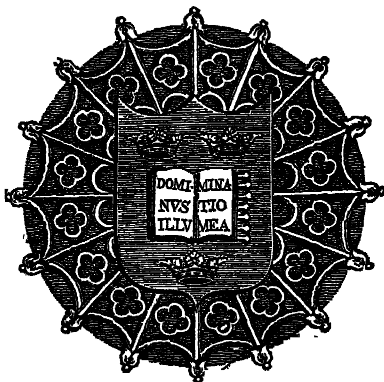
THE

WORKS

OF

SAMUEL JOHNSON, LL.D.

VOLUME THE ELEVENTH



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MDCCCXXV.

DEBATES

IN

PARLIAMENT.

HOUSE OF COMMONS, DECEMBER 8, 1741.

DEBATE ON THE ADDRESS.

THE commons who attended in the house of lords, having heard his majesty's speech to both houses, returned to their own house, where a copy of it being this day read to them by the speaker, Mr. H. A. HERBERT moved for an address, in words to this effect:

Sir, to address the throne on the present occasion, is a custom which, as it is founded on reason and decency, has always been observed by the commons of Britain; nor do I suspect this house of any intention to omit those forms of respect to his majesty, which our ancestors always preserved even under princes whose conduct and designs gave them no claim to reverence or gratitude.

To continue, therefore, sir, a practice which the nature of government itself makes necessary, and which cannot but be acknowledged to be, in a peculiar degree, proper under a prince whose personal virtues are so generally known, I hope for the indulgence of this house in the liberty which I shall take of proposing an address to this effect:

That we should beg leave to congratulate his majesty, upon his safe and happy return to these his kingdoms, and to return our sincere thanks for his most gracious speech from the throne; and assure him at the same time, that with hearts full of duty and gratitude, we cannot but ac-

knowledge his majesty's regard and attention to the honour and interest of this nation.

To observe that the great and impending dangers that threaten Europe, under the present critical and perplexed situation of affairs, have been represented by his majesty to his parliament, for their advice and assistance, with such paternal concern, and such affection to his people, such confidence in his faithful commons, and such anxiety for the general good of Europe, as cannot fail to excite in us a due sense of his majesty's goodness and condescension; and, therefore, to assure his majesty in the strongest manner, that this house will, as often as these momentous affairs shall come under our consideration, give his majesty such advice as becomes dutiful and faithful subjects, and such assistance and support as shall be most conducive to the honour and true interest of his crown and kingdoms.

That we thank his majesty for his royal care in prosecuting the war with Spain; and that in order to answer these necessary purposes, we will grant such effectual supplies, as shall enable his majesty, not only to be in a readiness to support his friends and allies, at such times and in such manner as the exigency and circumstances of affairs shall require, but to oppose and defeat any attempts that shall be made against his majesty, his crown and kingdoms, or against those, who being equally engaged with his majesty by the faith of treaties, or united by common interest and common danger, shall be willing to concert such measures as shall be found necessary and expedient for maintaining the balance of Europe.

This address, which in my opinion, will contain both a proper answer to his majesty's speech, and a decent declaration of our gratitude and duty, will not, I hope, be opposed. For surely it cannot be charged with asserting any thing that is either false or mean, with bestowing any unnecessary panegyrick, or with maintaining any fact that is not generally allowed.

Mr. TREVOR seconded him in the manner following:—Sir, as the necessity of an address to his majesty cannot be disputed, the only question on this occasion must be,

whether the address now proposed be such as it may become this house to offer in the present conjuncture of affairs.

In an address, sir, it is necessary to preserve at once the respect due to our sovereign, and the dignity which may justly be assumed by the representatives of the people of Britain, a people whose birthright gives them a claim to approach their sovereign, not, indeed, without the utmost respect, but with language, which absolute monarchs never hear from the slaves by whom they are surrounded.

This respect and dignity appear to me to be very happily united in the address now proposed, in which we join with our professions of duty, our offers of advice, and assert our claim to the direction of the national expenses by our promise to grant the necessary supplies.

As there cannot, therefore, in my opinion, sir, be any thing added to the address now offered, and there appears to me no necessity of any alteration or omission, I second the motion.

Lord NOEL SOMERSET spoke next, to this effect:—Sir, though I am far from intending to repress, by sophistical cavils, or trifling objections, the zeal which the honourable gentleman who proposed the address has shown for promoting the publick business, yet, as it is very inconsistent with the duty of a senator to prefer civility to truth, and to sacrifice to ceremony or complaisance the interest of his country, I think it necessary to declare my opinion, that though the address proposed may admit of many amendments, which I leave to other gentlemen to make, I think the addition of one clause absolutely necessary; that his majesty may be desired not to engage this nation in a war for the preservation of his foreign dominions; dominions which, as they are in themselves independent on the crown of Britain, and governed by different laws, and a different right, have been separated by an express clause from these kingdoms, in the act to which his majesty owes his title to the throne.

This request, sir, is at this time particularly expedient, when the continent is in confusion, and the territories of

Hanover are endangered by the approach of the French forces. Besides, as nothing is more fatal than groundless expectations of assistance, it may contribute to the safety of that people, to show them that they are to depend upon their own strength, to call their forces together, to fortify their towns, and guard their avenues; and that, if they sit indolent and careless, in confidence that the power of Britain will be employed in their defence, they will only give their enemies an easy conquest, and enslave themselves and their posterity to a foreign power: I move, therefore, that his majesty be petitioned in our address, not to engage these kingdoms in a war for the preservation of his foreign dominions.

Mr. SHIPPEN rose and spoke thus:—Sir, I know not with what success I may assert, in this senate, positions, for which I have formerly been censured, and which few other members have hitherto maintained; but I rise with confidence that I shall be at least acknowledged to act consistently with myself in seconding the noble person who spoke last; and I am convinced, that many of those who differ from me in opinion, would gladly be able to boast of resembling me in congruity of principles, and steadiness of conduct.

But steadiness, sir, is the effect only of integrity, and congruity the consequence of conviction: he that speaks always what he thinks, and endeavours by diligent inquiry to think aright before he ventures to declare his sentiments; he that follows, in his searches, no leader but reason, nor expects any reward from them but the advantage of discovering truth, and the pleasure of communicating it, will not easily change his opinion, because it will seldom be easy to show that he who has honestly inquired after truth, has failed to attain it.

For my part, I am not ashamed nor afraid to affirm, that thirty years have made no change in any of my political opinions; I am now grown old in this house, but that experience which is the consequence of age, has only confirmed the principles with which I entered it many years ago; time has verified the predictions which I formerly

uttered, and I have seen my conjectures ripened into knowledge.

I should be, therefore, without excuse, if either terrour could affright, or the hope of advantage allure me from the declaration of my opinions; opinions which I was not deterred from asserting, when the prospect of a longer life than I can now expect might have added to the temptations of ambition, or aggravated the terrours of poverty and disgrace; opinions for which I would willingly have suffered the severest censures, even when I had espoused them only in compliance with reason, without the infallible certainty of experience.

Of truth it has been always observed, sir, that every day adds to its establishment, and that falsehoods, however specious, however supported by power, or established by confederacies, are unable to stand before the stroke of time. Against the inconveniencies and vexations of long life, may be set the pleasure of discovering truth, perhaps the only pleasure that age affords. Nor is it a slight satisfaction to a man not utterly infatuated or depraved, to find opportunities of rectifying his notions, and regulating his conduct by new lights.

But much greater is the happiness of that man to whom every day brings a new proof of the reasonableness of his former determinations, and who finds, by the most unerring test, that his life has been spent in promotion of doctrines beneficial to mankind. This, sir, is the happiness which I now enjoy, and for which those who never shall attain it, must look for an equivalent in lucrative employments, honorary titles, pompous equipages, and splendid palaces.

These, sir, are the advantages which are to be gained by a seasonable variation of principles, and by a ready compliance with the prevailing fashion of opinions; advantages which I, indeed, cannot envy when they are purchased at so high a price, but of which age and observation has too frequently shown me the unbounded influence; and to which I cannot deny that I have always ascribed the instability of conduct, and inconsistency of assertions, which I have discovered in many men, whose abilities I have no reason

to depreciate, and of whom I cannot but believe they would easily distinguish truth, were not falsehood recommended to them by the ornaments of wealth.

If there are in this new senate any men devoted to their private interest, any who prefer the gratification of their passions to the safety and happiness of their country, who can riot without remorse in the plunder of their constituents, who can forget the anguish of guilt in the noise of a feast, the pomp of a drawing-room, or the arms of a strumpet, and think expensive wickedness and the gaieties of folly equivalent to the fair fame of fidelity and the peace of virtue, to them I shall speak to no purpose; for I am far from imagining any power in my language to gain those to truth who have resigned their hearts to avarice or ambition, or to prevail upon men to change opinions, which they have indeed never believed, though they are hired to assert them. There is a degree of wickedness which reproof or argument cannot reclaim, as there is a degree of stupidity which instruction cannot enlighten.

If my country, sir, has been so unfortunate as, once more, to commit her interest to those who propose to themselves no advantage from their trust, but that of selling it, I may perhaps fall, once more, under censure for declaring my opinion, and be, once more, treated as a criminal for asserting what they who punish me cannot deny; for maintaining the inconsistency of Hanover maxims with the happiness of this nation, and for preserving the caution which was so strongly inculcated by the patriots that drew up the act of settlement, and gave the present imperial family their title to the throne.

These men, sir, whose wisdom cannot be disputed, and whose zeal for his majesty's family was equal to their knowledge, thought it requisite to provide some security against the prejudices of birth and education. They were far from imagining, that they were calling to the throne a race of beings exalted above the frailties of humanity, or exempted by any peculiar privileges from errour or from ignorance.

They knew that every man was habitually, if not naturally,

fond of his own nation, and that he was inclined to enrich it and defend it at the expense of another, even, perhaps, of that to which he is indebted, for much higher degrees of greatness, wealth and power; for every thing which makes one state of life preferable to another; and which, therefore, if reason could prevail over prejudice, and every action were regulated by strict justice, might claim more regard than that corner of the earth in which he only happened to be born.

They knew, sir, that confidence was not always returned, that we most willingly trust those whom we have longest known, and caress those with most fondness, whose inclinations we find by experience to correspond with our own, without regard to particular circumstances which may entitle others to greater regard, or higher degrees of credit, or of kindness.

Against these prejudices, which their sagacity enabled them to foresee, their integrity incited them to secure us, by provisions which every man then thought equitable and wise, because no man was then hired to espouse a contrary opinion.

To obviate the disposition which a foreign race of princes might have to trust their original subjects, it was enacted that none of them should be capable of any place of trust or profit in these kingdoms. And to hinder our monarchs from transferring the revenues of Britain to Hanover, and enriching it with the commerce of our traders, and the labours of our husbandmen; from raising taxes to augment the splendour of a petty court, and increasing the garrisons of their mountains by misapplying that money which this nation should raise for its own defence, it was provided that the emperour of Britain should never return to his native dominions, but reside always in this kingdom, without any other care than that of gaining the affections of his British subjects, preserving their rights, and increasing their power.

It was imagined by that senate, that the electorate of Hanover, a subordinate dignity, held by custom of homage to a greater power, ought to be thought below the regard

of the emperour of Britain, and that the sovereign of a nation like this ought to remember a lower state only to heighten his gratitude to the people by whom he was exalted. They were far from imagining that Britain and Hanover would in time be considered as of equal importance, and that their sovereign would divide his years between one country and the other, and please himself with exhibiting in Hanover the annual show of the pomp and dignity of a British emperour.

This clause, sir, however, a later senate readily repealed; upon what motives I am not able to declare, having never heard the arguments which prevailed upon their predecessors to enact it, confuted or invalidated; nor have I found that the event has produced any justification of their conduct, or that the nation has received any remarkable advantage from the travels of our emperours.

There is another clause in that important act which yet the senate has not adventured to repeal, by which it is provided, that this nation shall not be engaged in war for the defence of the Hanoverian dominions; dominions of which we can have no interest in the protection or preservation; dominions, perhaps, of no great value, into whatever hands chance and negligence may throw them, which their situation has made entirely useless to a naval power; but which, though they cannot benefit, may injure us, by diverting the attention of our sovereign, or withholding his affections.

Whether this clause, sir, has not sometimes been eluded, whether the six thousand Hessians, which we once supported, were of use to any of the British dominions, and whether a double number of the same nation, now paid with our money for the defence of the queen of Hungary, have not been stationed only where they might defend Hanover, without the least advantage to our confederates; whether the nation has not been condemned to double expenses in the support of this alliance, by raising, for the queen's service, troops, which were only employed in the protection of Hanover, and then in succouring her with pecuniary supplies, it is, perhaps, at present unnecessary, though, I hope, not yet too late, to inquire.

It is at present unnecessary, because the clause which is proposed cannot be denied to be equally proper, whether the act of settlement has been hitherto observed or violated; for the violation of it ought to engage us in some measures that may secure us for the future from the like injury; and the observation of it is a manifest proof how much it is approved by all parties, since, in so many deviations from this settlement, and an inconstancy of conduct of which an example is scarcely to be found, this law has been esteemed sacred, the bulwark of our rights, and the boundary which the sovereign power has not dared to overleap.

As his majesty, sir, has, in a very solemn manner, called upon us for our advice and assistance, what can be more proper than to lay before him our opinion on this important question? War is, next to slavery, one of the greatest calamities; and an unnecessary war, therefore, the greatest errour of government, an errour which cannot be too cautiously obviated, or too speedily reformed.

If we consider, sir, the present state of the continent, there is nothing more probable than that the subjects of the elector of Hanover may solicit the assistance of the emperour of Britain, and, therefore, it is necessary to inform them, that their solicitations will be vain. If we inquire into the suspicions of our fellow-subjects, we shall find them generally disturbed with fears that they shall be sacrificed to the security of foreign dominions, and, therefore, it is necessary to recall their affection to his majesty where it is impaired, and confirm their confidence where it has been hitherto preserved, by showing, in the most publick manner, how vainly they have been disquieted, and how grossly they have been mistaken.

It is certainly our duty, sir, to give such advice as may most truly inform his majesty of the sentiments of his people, and most effectually establish in the people an adherence to his majesty; as it is certain that no advice will be seconded by greater numbers than that which is proposed, nor can his majesty, by any act of goodness, so much endear his government, as by a ready promise to

this nation of an exemption from any war in defence of Hanover.

I hope, sir, it will not be objected, that by such request a suspicion will be insinuated of designs detrimental to the British nation, and repugnant to the conditions on which his majesty ascended the throne, because an objection of equal force may rise against any advice whatever that shall be offered by the senate.

It may be always urged, sir, that to recommend any measures, is to suppose that they would not have been suggested to his majesty by his own wisdom, and, by consequence, that he is defective either in knowledge or in goodness, that he either mistakes or neglects the interest of his people.

Thus, sir, may the most laudable conduct be charged with sedition, and the most awful regard be accused of disrespect, by forced consequences, and exaggerated language; thus may senates become useless, lest they should appear to be wiser than their sovereign, and the sovereign be condemned to act only by the information of servile ministers, because no publick advice can safely be given him.

That kings must act upon the information of others, that they can see little with their own eyes through the mists which flattery is continually employed in raising before them, and that they are, therefore, most happy who have, by the constitution of the country which they govern, an opportunity of knowing the opinions of their people without disguise, has yet never been denied by any who do not separate the interest of the king from that of the people, and leave mankind no political distinction but that of tyrants and slaves.

This, sir, is the happiness of the emperour of Britain beyond other monarchs, an advantage by which he may be always enabled to contemplate the happy and flourishing state of his subjects, and to receive the blessings and acclamations of millions, that owe to his care their wealth and their security.

Of this advantage he cannot be deprived, but by the cowardice or the treachery of those men who are dele-

gated by the people, as the guardians of their liberties; and surely it requires no uncommon penetration to discover, that no act of treason can be equal in malignity to that perfidy which deprives the king of the affections of his subjects, by concealing from him their sentiments and petitions. He that makes his monarch hated, must, undoubtedly, make him unhappy; and he that destroys his happiness, might more innocently take away his life.

To exempt myself, therefore, from such guilt, to discharge the trust conferred on me by my country, and to perform the duty which I owe to my king, I stand up to second this motion.

Mr. GYBBON spoke next, to the following purpose:— Sir, as it is not easy to remember all the parts of an address by only once hearing it, and hearing it in a form different from that in which it is to be presented, I think it necessary to a more accurate consideration of it, that it should be read distinctly to the house. We may otherwise waste our time in debates, to which only our own forgetfulness gives occasion; we may raise objections without reason, and propose amendments where there is no defect.

[The address was accordingly read, and Mr. GYBBON proceeded.]

Having now heard the address, I find by experience the propriety of my proposal; having remarked a clause, which, in my opinion, is necessary to be amended, and which I had not observed when it was repeated before.

It is well known, that the speeches from the throne, though pronounced by the king, are always considered as the compositions of the ministry, upon whom any false assertions would be charged, as the informers and counsellors of the crown.

It is well known, likewise, that whenever this house returns thanks to the king for any measures that have been pursued, those measures are supposed to be approved by them; and that approbation may be pleaded by the minister in his defence, whenever he shall be required to answer for the event of his counsels.

It is, therefore, in my opinion, extremely unreasonable

to propose, that *thanks should be returned to his majesty for his royal care in prosecuting the war against Spain;* for what has been the consequence of that care, for which our thanks are to be, with so much solemnity, returned, but defeats, disgrace, and losses, the ruin of our merchants, the imprisonment of our sailors, idle shows of armaments, and useless expenses?

What are the events which are to be recorded in an impartial account of this war; a war provoked by so long a train of insults and injuries, and carried on with so apparent an inequality of forces? Have we destroyed the fleets of our enemies, fired their towns, and laid their fortresses in ruins? Have we conquered their colonies, and plundered their cities, and reduced them to a necessity of receding from their unjust claims, and repaying the plunder of our merchants? Are their ambassadors now soliciting peace at the court of Britain, or applying to the neighbouring princes to moderate the resentment of their victorious enemies?

I am afraid that the effects of our preparations, however formidable, are very different; they have only raised discontent among our countrymen, and contempt among our enemies. We have shown that we are strong indeed, but that our force is made ineffectual by our cowardice; that when we threaten most loudly, we perform nothing; that we draw our swords but to brandish them, and only wait an opportunity to sheath them in such a manner, as not plainly to confess that we dare not strike.

If we consider, therefore, what effect our thanks for conduct like this must naturally produce, it will appear that they can only encourage our enemies, and dispirit our fellow-subjects. It will be imagined that the Spaniards are a powerful nation, which it was the highest degree of temerity to attack; a nation by whom it is honour sufficient not to be overcome, and from whom we cannot be defended without the most vigilant caution, and the most extensive knowledge both of politicks and war.

It will readily be perceived by the proud Spaniards, that it is only necessary to prosecute their views a little longer,

to intimidate us with new demands, and amuse us with new preparations; and that we, who are always satisfied with our success, shall soon be weary of a war from which it is plain that we never expected any advantage, and therefore shall, in a short time, willingly receive such terms as our conquerors will grant us.

It is always to be remembered, how much all human affairs depend upon opinion, how often reputation supplies the want of real power, by making those afraid who cannot be hurt, and by producing confidence where there is no superiority. The opinion of which the senate ought to endeavour the promotion, is confidence in their steadiness, honesty, and wisdom. Confidence which will not be much advanced by an address of thanks for the conduct of the war against Spain.

How justly may it be asked, when this address is spread over the world, what were the views with which the senate of Britain petitioned their sovereign to declare war against Spain?

If their design was, as they then asserted, to procure security for the commerce of America, and reparation for the injuries which their merchants had received, by what fluctuation of counsels, by what prevalence of new opinions, have they now abandoned it? For that they have no longer the same intentions, that they now no more either propose security, or demand recompense, is evident; since though they have obtained neither, yet are they thankful for the conduct of the war.

To what can this apparent instability be imputed, but to the want either of wisdom to balance their own power with that of their enemies, and discern the true interest of their country, or to a mean compliance with the clamours of the people, to whom they durst not refuse the appearance of a war, though they had no expectation of honour or success?

But in far other terms, sir, will the Spaniards speak of the address which is now proposed. "Behold, say our boasting enemies, the spirit and wisdom of that assembly, whose counsels hold the continent in suspense, and whose determinations change the fate of kingdoms; whose vote

transfers sovereignty, covers the ocean with fleets, prescribes the operation of distant wars, and fixes the balance of the world. Behold them amused with idle preparations, levying money for mockeries of war, and returning thanks for the pleasure of the show. Behold them looking with wonderful tranquillity on the loss of a great number of their ships, which have been seized upon their own coasts by our privateers, and congratulating themselves and their monarch that any have been preserved. How great would have been the exultation, and how loud the applauses, had they succeeded in any of their designs; had they obstructed the departure of our fleets, or hindered our descent upon the dominions of the queen of Hungary; had they confined our privateers in our harbours, defeated any of our troops, or overrun any of our colonies! In what terms would they have expressed their gratitude for victory, who are thus thankful for disappointments and disgrace?"

Such, sir, must be the remarks of our enemies upon an address like that which is now proposed; remarks which we and our allies must be condemned to hear, without attempting a reply. For what can be urged to extenuate the ridicule of returning thanks where we ought either to express resentment, offer consolations, and propose the means of better success, or cover our grief and shame with perpetual silence?

When it shall be told in foreign nations, that the senate of Britain had returned thanks for the escape of the Spaniards from Ferrol, their uninterrupted expedition to Italy, the embarrassment of their own trade, the captivity of their sailors, and the destruction of their troops, what can they conclude, but that the senate of Britain is a collection of madmen, whom madmen have deputed to transact the publick affairs? And what must be the influence of such a people, and such a senate, will be easily conceived.

If I have given way, sir, in these observations, to any wanton hyperbole, or exaggerated assertions, they will, I hope, be pardoned by those who shall reflect upon the real absurdity of the proposal, which I am endeavouring to show in its true state, and by all who shall consider, that to return thanks for the management of the war, is to return

thanks for the carnage of Carthagena, for the ruin of our merchants, for the loss of our reputation, and for the exaltation of the family of Bourbon.

I hope no man will be so unjust, or can be so ignorant, as to insinuate or believe, that I impute any part of our miscarriages to the personal conduct of his majesty, or that I think his majesty's concern for the prosperity of his people unworthy of the warmest and sincerest gratitude. If the address were confined to the inspection of our sovereign alone, I should be very far from censuring or ridiculing it; for his majesty has not the event of war in his power, nor can confer upon his ministers or generals that knowledge which they have neglected to acquire, or that capacity which nature has denied them. He may perform more than we have a right to expect, and yet be unsuccessful; he may deserve the utmost gratitude, even when, by the misconduct of his servants, the nation is distressed.

But, sir, in drawing up an address, we should remember that we are declaring our sentiments not only to his majesty, but to all Europe; to our allies, our enemies, and our posterity; that this address will be understood, like all others; that thanks offered in this manner, by custom, signify approbation; and that, therefore, we must at present repress our gratitude, because it can only bring into contempt our sovereign and ourselves.

Sir ROBERT WALPOLE spoke next, to this effect:—
Sir, I am very far from thinking that the war against Spain has been so unsuccessful as some gentlemen have represented it; that the losses which we have suffered have been more frequent than we had reason to expect from the situation of our enemies, and the course of our trade; or our defeats, such as the common chance of war does not often produce, even when the inequality of the contending powers is incontestable, and the ultimate event as near to certainty, as the nature of human affairs ever can admit.

Nor am I convinced, sir, even though it should be allowed that no exaggeration had been made of our miscarriages, that the impropriety of an address of thanks to his majesty for his regal care in the management of the war,

is gross or flagrant. For if it be allowed that his majesty may be innocent of all the misconduct that has produced our defeats, that he may have formed schemes wisely, which were unskilfully prosecuted; that even valour and knowledge concurring, will not always obtain success; and that, therefore, some losses may be suffered, and some defeats received, though not only his majesty gave the wisest direction, but his officers executed them with the utmost diligence and fidelity; how will it appear from our ill success, that our sovereign does not deserve our gratitude? And if it shall appear to us that our thanks are merited, who shall restrain us from offering them in the most publick and solemn manner?

For my part, I think no consideration worthy of regard in competition with truth and justice, and, therefore, shall never forbear any expression of duty to my sovereign, for fear of the ridicule of our secret, or the reproaches of our publick enemies.

With regard to the address under our consideration, if it be allowed either that we have not been unsuccessful in any opprobrious degree, or that ill success does not necessarily imply any defect in the conduct of his majesty, or debar us from the right of acknowledging his goodness and his wisdom, I think, sir, no objection can be made to the form of expression now proposed, in which all sounding and pompous language, all declamatory exaggeration, and studied figures of speech, all appearance of exultation, and all the farce of rhetorick are carefully avoided, and nothing inserted that may disgust the most delicate, or raise scruples in the most sincere.

Yet, sir, that we may not waste our time upon trivial disputes, when the nation expects relief from our counsels, that we may not suspend the prosecution of the war by complaints of past defeats, or retard that assistance and advice which our sovereign demands, by inquiring whether it may be more proper to thank, or to counsel him, I am willing, for the sake of unanimity, that this clause should be omitted; and hope that no other part of the address can give any opportunity for criticism, or for objections.

Sir, it is no wonder that the right honourable gentleman willingly consents to the omission of this clause, which could be inserted for no other purpose than that he might sacrifice it to the resentment which it must naturally produce, and by an appearance of modesty and compliance, pass easily through the first day and obviate any severe inquiries that might be designed.

He is too well acquainted with the opinion of many whom the nation has chosen to represent them, and with the universal clamours of the people, too accurately informed of the state of our enemies, and too conscious how much his secret machinations have hindered our success, to expect or hope that we should meet here to return thanks for the management of the war; of a war in which nothing has been attempted by his direction that was likely to succeed, and in which no advantage has been gained, but by acting without orders, and against his hopes.

That I do not charge him, sir, without reason, or invent accusations only to obstruct his measures, or to gratify my own resentment; that I do not eagerly catch flying calumnies, prolong the date of casual reproaches, encourage the malignity of the envious, or adopt the suspicions of the melancholy; that I do not impose upon myself by a warm imagination, and endeavour to communicate to others impressions which I have only received myself from prejudice and malignity, will be proved from the review of his conduct since the beginning of our dispute with Spain, in which it will be found that he has been guilty, not of single errours, but of deliberate treachery; that he has always cooperated with our enemies, and sacrificed to his private interest the happiness and the honour of the British nation.

How long our merchants were plundered, our sailors enslaved, and our colonies intimidated without resentment; how long the Spaniards usurped the dominion of the seas, searched our ships at pleasure, confiscated the cargoes without control, and tortured our fellow-subjects with impunity, cannot but be remembered. Not only every gentleman in this house, but every man in the nation, however indolent, ignorant, or obscure, can tell what barba-

rities were exercised, what ravages were committed, what complaints were made, and how they were received. It is universally known that this gentleman, and those whom he has seduced by pensions and employments, treated the lamentations of ruined families, and the outcries of tortured Britons, as the clamours of sedition, and the murmurs of malignity suborned to inflame the people, and embarrass the government.

It is known, sir, that our losses were at one time ridiculed as below the consideration of the legislature, and the distress of the most useful and honest part of mankind was made the subject of merriment and laughter; the awkward wit of all the hirelings of the town was exerted to divert the attention of the publick, and all their art was employed to introduce other subjects into conversation, or to still the complaints which they heard with a timely jest.

But their wit was not more successful on this, than on other occasions; their imaginations were soon exhausted, and they found, as at other times, that they must have recourse to new expedients. The first artifice of shallow courtiers is to elude with promises those complaints which they cannot confute, a practice that requires no understanding or knowledge, and therefore has been generally followed by the administration. This artifice they quickly made use of, when they found that neither the merchants nor the nation were to be silenced by an affectation of negligence, or the sallies of mirth; that it was no longer safe to jest upon the miseries of their countrymen, the destruction of our trade, and the violation of our rights, they condescended, therefore, to some appearances of compassion, and promised to exert all their influence to procure redress and security.

That they might not appear, sir, to have made this promise only to free themselves from present importunity, they set negotiations on foot, despatched memorials, remonstrances, propositions, and computations, and with an air of gravity and importance, assembled at proper times to peruse the intelligence which they received, and to concert new instructions for their ministers.

While this farce was acted, sir, innumerable artifices

were made use of to reconcile the nation to suspense and delay. Sometimes the distance of the Spanish dominions in America retarded the decision of our claims. Sometimes the dilatory disposition of the Spaniards, and the established methods of their courts, made it impossible to procure a more speedy determination. Sometimes orders were despatched to America in favour of our trade, and sometimes those orders were neglected by the captains of the Spanish ships, and the governours of their provinces; and when it was inquired why those captains and governours were not punished or recalled, we were treated with contempt, for not knowing what had been so lately told us of the dilatory proceedings of the Spanish courts.

In the mean time our merchants were plundered, and our sailors thrown into dungeons; our flag was insulted, and our navigation restrained, by men acting under the commission of the king of Spain; we perceived no effect of our negotiations but the expense, and our enemies not only insisted on their former claims, but prosecuted them with the utmost rigour, insolence, and cruelty.

It must, indeed, sir, be urged in favour of our minister, that he did not refuse any act of submission, or omit any method of supplication by which he might hope to soften the Spaniards; he solicited their favour at their own court, he sent commissaries into their country, he assisted them in taking possession of dominions, to which neither we nor they have proved a right; and he employed the navies of Britain to transport into Italy the prince on whom the new-erected kingdom was to be conferred.

Well might he expect that the Spaniards would be softened by so much kindness and forbearance, and that gratitude would at length induce them to spare those whom no injuries or contempt had been able to alienate from them, and to allow those a free course through the seas of America, to whom they had been indebted for an uninterrupted passage to the possession of a kingdom.

He might likewise urge, sir, that when he was obliged to make war upon them, he was so tender of their interest, that the British admiral was sent out with orders rather to

destroy his own fleet than the galleons, which, in appearance, he was sent to take, and to perish by the inclemency of the climate, rather than enter the Spanish ports, terrify their colonies, or plunder their towns.

But to little purpose, sir, did our minister implore the compassion of the Spaniards, and represent the benefits by which we might claim it; for his compliance was by the subtle Spaniards attributed, not to kindness, but to fear; and it was therefore determined to reduce him to absolute slavery, by the same practices which had already sunk him to so abject a state.

They therefore treated our remonstrances with contempt, continued their insolence and their oppressions, and while our agent was cringing at their court with fresh instructions in his hand, while he was hurrying with busy looks from one grandee to another, and, perhaps, dismissed without an audience one day, and sent back in the midst of his harangue on another, the guardships of the Spaniards continued their havock, our merchants were ruined, and our sailors tortured.

At length, sir, the nation was too much inflamed to be any longer amused with idle negotiations, or trifling expedients; the streets echoed with the clamours of the populace, and this house was crowded with petitions from the merchants. The honourable person, with all his art, found himself unable any longer to elude a determination of this affair. Those whom he had hitherto persuaded that he had failed merely for want of abilities, began now to suspect that he had no desire of better success; and those who had hitherto cheerfully merited their pensions by an unshaken adherence to all his measures, who had extolled his wisdom and his integrity with all the confidence of security, began now to be shaken by the universality of the censures which the open support of perfidy brought upon them. They were afraid any longer to assert what they neither believed themselves, nor could persuade others to admit. The most indolent were alarmed, the most obstinate convinced, and the most profligate ashamed.

What could now be done, sir, to gain a few months, to

secure a short interval of quiet, in which his agents might be employed to disseminate some new falsehood, bribe to his party some new vindicators, or lull the people with the opiate of another expedient, with an account of concessions from the court of Spain, or a congress to compute the losses, and adjust the claims of our merchants?

Something was necessarily to be attempted, and orders were therefore despatched by our minister, to his slave at the court of Spain, to procure some stipulations that might have at least the appearance of a step towards the conclusion of the debate. His agent obeyed him with his usual alacrity and address, and in time sent him, for the satisfaction of the British people, the celebrated convention.

The convention, sir, has been so lately discussed, is so particularly remembered, and so universally condemned, that it would be an unjustifiable prodigality of time to expatiate upon it. There were but few in the last senate, and I hope there are none in this, who did not see the meanness of suffering incontestable claims to be disputed by commissaries, the injustice of the demand which was made upon the South-sea company, and the contemptuous insolence of amusing us with the shadow of a stipulation, which was to vanish into nothing, unless we purchased a ratification of it, by paying what we did not owe.

The convention, therefore, sir, was so far from pacifying, that it only exasperated the nation, and took from our minister the power of acting any longer openly in favour of the Spaniards; of whom it must be confessed, that their wisdom was overpowered by their pride, and that, for the sake of showing to all the powers of Europe the dependence in which they held the court of Britain, they took from their friends the power of serving them any longer, and made it unsafe for them to pay that submission to which they were inclined.

The Spaniards did not sufficiently distinguish between the nation and the ministry of Britain, nor suspected that their interests, inclinations, and opinions were directly opposite; and that those who were caressed, feared, and reverenced by the ministry, were by the people hated, despised, and ridiculed.

By enslaving our ministry, they weakly imagined that they had conquered our nation; nor, perhaps, sir, would they quickly have discovered their mistake, had they used their victory with greater moderation, condescended to govern their new province with less rigour, and sent us laws in any other form than that of the convention.

But the security which success excites, produced in them the same effects as it has often done in others, and destroyed, in some degree, the advantages of the conquest by which it was inspired. The last proof of their contempt of our sovereign and our nation, was too flagrant to be palliated, and too publick not to be resented. The cries of the nation were redoubled, the solicitations of the merchants renewed, the absurdity of our past conduct exposed, the meanness of our forbearance reproached, and the necessity of more vigorous measures evidently proved.

The friends of Spain discovered, sir, at length, that war was necessarily to be proclaimed, and that it would be no longer their interest to act in open opposition to justice and reason, to the policy of all ages, and remonstrances of the whole nation.

The minister, therefore, after long delays, after having run round the circle of all his artifices, and endeavouring to intimidate the nation by false representations of the power of our enemies, and the danger of an invasion from them, at length suffered war to be proclaimed, though not till he had taken all precautions that might disappoint us of success.

He knew that the state of the Spanish dominions exposed them in a particular manner to sudden incursions by small parties, and that in former wars against them, our chief advantage had been gained by the boldness and subtilty of private adventurers, who by hovering over their coasts in small vessels, without raising the alarms which the sight of a royal navy necessarily produces, had discovered opportunities of landing unexpectedly, and entering their towns by surprise, of plundering their wealthy ships, or enriching themselves by ransoms and compositions; he knew what inconsiderable bodies of men, incited by private

advantage, selected with care for particular expeditions, instructed by secret intelligence, and concealed by the smallness of their numbers, had found means to march up into the country, through ways which would never have been attempted by regular forces, and have brought upon the Spaniards more terrour and distress than could have been produced by a powerful army, however carefully disciplined or however skilfuly commanded.

It was, therefore, sir, his first care to secure his darling Spaniards from the pernicious designs of private adventurers; he knew not but some of Elizabeth's heroes might unfortunately revive, and terrify, with an unexpected invasion, the remotest corners of the Spanish colonies, or appear before their ports with his nimble sloops, and bid defiance to their navies and their garrisons. When, therefore, a bill was introduced into this house, by which encouragement was given to the subjects of this kingdom to fit out privateers, and by which those who should conquer any of the colonies of the Spaniards, were confirmed in the possession of them for ever, it cannot be forgotten with what zeal he opposed, and with what steadiness he rejected it, though it is not possible to assign any disadvantage which could have been produced by passing it, and the utmost that could be urged against it was, that it was unnecessary and useless.

Having thus discouraged that method of war which was most to be dreaded by our enemies, and left them little to fear but from national forces and publick preparations, his next care was to secure them from any destructive blow, by giving them time to equip their fleets, collect their forces, repair their fortifications, garrison their towns, and regulate their trade; for this purpose he delayed, as long as it was possible, the despatch of our navies, embarrassed our levies of sailors by the violence of impresses; violence, which proper encouragement and regulations might have made unnecessary; and suffered the privateers of the enemy to plunder our merchants without control, under pretence that ships of war could not be stationed, nor convoys provided for their protection.

At length several fleets were fitted out, Vernon was sent to America, and Haddock into the Mediterranean, with what consequences it is well known; nor should I mention them at this time, had I not been awakened to the remembrance of them by a proposal of thanks for the conduct of the war.

The behaviour of the two admirals was very different; though it has not yet appeared but that their orders were the same. Vernon with six ships destroyed those fortifications, before which Hosier formerly perished, in obedience to the commands of our ministry. How this success was received by the minister and his adherents, how much they were offended at the exultations of the populace, how evidently they appeared to consider it as a breach of their scheme, and a deviation from their directions, the whole nation can relate.

Nor is it to be forgotten, sir, how invidiously the minister himself endeavoured to extenuate the honour of that action, by attempting to procure in the address, which was on that occasion presented to his majesty, a suppression of the number of the ships with which he performed it.

In the mean time, sir, the nation expected accounts of the same kind from the Mediterranean, where Haddock was stationed with a very considerable force; but instead of relations of ports bombarded, and towns plundered, of navies destroyed, and villages laid in ashes, we were daily informed of the losses of our merchants, whose ships were taken almost within sight of our squadrons.

We had, indeed, once the satisfaction of hearing that the fleet of Spain was confined in the port of Cadiz, unprovided with provisions, and it was rashly reported that means would either be found of destroying them in the harbour, or that they would be shut up in that unfruitful part of the country, till they should be obliged to disband their crews.

We, therefore, sir, bore with patience the daily havock of our trade, in expectation of the entire destruction of the royal navy of Spain, which would reduce them to despair of resistance, and compel them to implore peace. But while we were flattering ourselves with those pleasing

dreams, we were wakened on a sudden with an astonishing account that the Spaniards had left Cadiz, and, without any interruption from the Britons, were taking in provisions at Ferrol.

This disappointment of our expectations did, indeed, discourage us, but not deprive us of hope; we knew that the most politick are sometimes deceived, and that the most vigilant may sometimes relax their attention; we did not expect in our commanders any exemption from human errours, and required only that they should endeavour to repair their failures, and correct their mistakes; and, therefore, waited without clamour, in expectation that what was omitted at Cadiz would be performed at Ferrol.

But no sooner, sir, had the Spaniards stored their fleet, than we were surprised with a revolution of affairs yet more wonderful. Haddock, instead of remaining before Ferrol, was drawn off by some chimerical alarm to protect Minorca, and the Spaniards in the mean time sailed away to America, in conjunction with the French squadron that had been for some time ready for the voyage.

If we consider the absurdity of this conduct, it cannot but be imagined that our minister must send Haddock false intelligence and treacherous directions, on purpose that the Spanish fleet might escape without interruption. For how can it be conceived that the Spaniards could have formed any real design of besieging port Mahon? Was it probable that they would have sent an army, in defenceless transports, into the jaws of the British fleet? and it was well known that they had no ships of war to protect them. It was not very agreeable to common policy to land an army upon an island, an island wholly destitute of provisions for their support, while an hostile navy was in possession of the sea, by which the fortress which their troops were destined to besiege might be daily supplied with necessaries, and the garrison augmented with new forces, while their army would be itself besieged in a barren island, without provisions, without recruits, without hope of succour, or possibility of success.

But such was the solicitude of our admiral for the pre-

servation of Minorca, that he abandoned his station, and suffered the Spaniards to join their confederates of France, and prosecute their voyage to America without hinderance or pursuit.

In America they remained for some time masters of the sea, and confined Vernon to the ports; but want of provisions obliging the French to return, no invasion of our colonies was attempted, nor any of those destructive measures pursued which we had reason to fear, and of which our minister, notwithstanding his wonderful sagacity, could not have foretold that they would have been defeated by an unexpected scarcity of victuals.

The Spaniards, however, gained, by this expedient, time to repair their fortifications, strengthen their garrisons, and dispose their forces in the most advantageous manner; and therefore, though they were not enabled to attack our dominions, had at least an opportunity of securing their own.

At length, sir, lest it should be indisputably evident that our minister was in confederacy with the Spaniards, it was determined, that their American territories should be invaded; but care was taken to disappoint the success of the expedition by employing new-raised troops, and officers without experience, and to make it burdensome to the nation by a double number of officers, of which no use could be discovered, but that of increasing the influence, and multiplying the dependants of the ministry.

It was not thought sufficient, sir, to favour the designs of the Spaniards by the delay which the levy of new troops necessarily produced, and to encourage them by the probability of an easy resistance against raw forces; nor was the nation, in the opinion of the minister, punished for its rebellion against him with adequate severity, by being condemned to support a double number of troops. Some other methods were to be used for embarrassing our preparations and protracting the war.

The troops, therefore, sir, being, by the accident of a hard winter, more speedily raised than it was reasonable to expect, were detained in this island for several months, upon trivial pretences; and were at length suffered to em-

bark at a time when it was well known that they would have much more formidable enemies than the Spaniards to encounter; when the unhealthy season of the American climate must necessarily destroy them by thousands; when the air itself was poison, and to be wounded certainly death.

These were the hardships to which part of our fellow-subjects have been exposed by the tyranny of the minister; hardships which caution could not obviate, nor bravery surmount; they were sent to combat with nature, to encounter with the blasts of disease, and to make war against the elements. They were sent to feed the vultures of America, and to gratify the Spaniards with an easy conquest.

In the passage the general died, and the command devolved upon a man who had never seen an enemy, and was, therefore, only a speculative warriour; an accident, which, as it was not unlikely to happen, would have been provided against by any minister who wished for success. The melancholy event of this expedition I need not mention, it was such as might be reasonably expected; when our troops were sent out without discipline, without commanders, into a country where even the dews are fatal, against enemies informed of their approach, secured by fortifications, inured to the climate, well provided, and skilfully commanded.

In the mean time, sir, it is not to be forgotten what depredations were made upon our trading vessels, with what insolence ships of very little force approached our coasts, and seized our merchants in sight of our fortifications; it is not to be forgotten that the conduct of some of those who owed their revenues and power to the minister, gave yet stronger proofs of a combination.

It is not to be forgotten with what effrontery the losses of our merchants were ridiculed, with what contemptuous triumph of revenge they were charged with the guilt of this fatal war, and how publickly they were condemned to suffer for their folly.

For this reason, sir, they were either denied the security of convoys, or forsaken in the most dangerous parts of the

sea, by those to whose protection they were, in appearance, committed. For this reason, they were either hindered from engaging in their voyage by the loss of those men who were detained unactive in the ships of war, or deprived of their crews upon the high seas, or suffered to proceed only to become a prey to the Spaniards.

But it was not, sir, a sufficient gratification of our implacable minister, that the merchants were distressed for alarming the nation; it was thought, likewise, necessary to punish the people for believing too easily the reports of the merchants, and to warn them for ever against daring to imagine themselves able to discern their own interest, or to prescribe other measures to the ministers, than they should be themselves inclined to pursue; our minister was resolved to show them, by a master-stroke, that it was in his power to disappoint their desires, by seeming to comply, and to destroy their commerce and their happiness, by the very means by which they hoped to secure them.

For this purpose, sir, did this great man summon all his politicks together, and call to council all his confidants and all his dependants; and it was, at length, after mature deliberation, determined, by their united wisdom, to put more ships into commission, to aggravate the terrours of the impress by new violence and severity, to draw the sailors by the promise of large rewards from the service of the merchants, to collect a mighty fleet, and to despatch it on a *secret expedition.*

A secret expedition, sir, is a new term of ministerial art, a term which may have been, perhaps, formerly made use of by soldiers, for a design to be executed without giving the enemy an opportunity of providing for their defence; but is now used for a design with which the enemy is better acquainted than those to whom the execution of it is committed. A secret expedition is now an expedition of which every one knows the design, but those at whose expense it is undertaken. It is a kind of naval review, which excels those of the park in magnificence and expense, but is equally useless, and equally ridiculous.

Upon these secret expeditions, however, were fixed for

a long time the expectations of the people; they saw all the appearances of preparation for real war; they were informed, that the workmen in the docks were retained by uncommon wages to do double duty; they saw the most specious encouragement offered to the sailors; they saw naval stores accumulated with the utmost industry, heard of nothing but the proof of new cannon, and new contracts for provision; and how much reason soever they had to question the sincerity of the great man who had so long engrossed the management of all affairs, they did not imagine that he was yet so abandoned to levy forces only to exhaust their money, and equip fleets only to expose them to ridicule.

When, therefore, sir, after the usual delays, the papers had informed the people that the great fleet was sailed, they no longer doubted that the Spaniards were to be reduced to our own terms; they expected to be told, in a few days, of the destruction of fleets, the demolition of castles, and the plunder of cities; and every one envied the fortune of those who, by being admitted into their formidable fleet, were entitled to the treasures of such wealthy enemies.

When they had for some time indulged these expectations, an account was brought, that the fleet was returned without the least action, or the least attempt, and that new provisions were to be taken in, that they might set out upon another *secret expedition.*

But, sir, this wonder-working term had now lost its efficacy, and it was discovered, that *secret expeditions,* like all other *secret services,* were only expedients to drain the money of the people, and to conceal the ignorance or villany of the minister.

Such has been the conduct for which we are desired to return thanks in an humble and dutiful address, such are the transactions which we are to recommend to the approbation of our constituents, and such the triumphs upon which we must congratulate our sovereign.

For my part, sir, I cannot but think that silence is a censure too gentle of that wickedness which no language can exaggerate, and for which, as it has, perhaps, no exam-

ple, human kind have not yet provided a name. Murder, parricide, and treason, are modest appellations when referred to that conduct by which a king is betrayed, and a nation ruined, under pretence of promoting its interest, by a man trusted with the administration of publick affairs.

Let us, therefore, sir, if it be thought not proper to lay before his majesty the sentiments of his people in their full extent, at least not endeavour to conceal them from him; let us, at least, address him in such a manner as may give him some occasion to inquire into the late transactions, which have for many years been such, that to inquire into them is to condemn them.

Sir ROBERT WALPOLE rose again, and spoke to this effect:—Sir, though I am far from being either confounded or intimidated by this atrocious charge; though I am confident, that all the measures which have been so clamorously censured, will admit of a very easy vindication, and that whenever they are explained they will be approved; yet as an accusation so complicated cannot be confuted without a long recapitulation of past events, and a deduction of many particular circumstances, some of which may require evidence, and some a very minute and prolix explication, I cannot think this a proper day for engaging in the controversy, because it is my interest that it may be accurately discussed.

At present, sir, I shall content myself with bare assertions, like those of him by whom I am accused, and hope they will not be heard with less attention, or received with less belief. For surely it was never denied to any man to defend himself with the same weapons with which he is attacked.

I shall, therefore, sir, make no scruple to assert, that the treasure of the publick has been employed with the utmost frugality, to promote the purposes for which it was granted; that our foreign affairs have been transacted with the utmost fidelity, in pursuance of long consultations; and shall venture to add, that our success has not been such as ought to produce any suspicion of negligence or treachery.

That our design against Carthagena was defeated, can-

not be denied; but what war has been one continued series of success? In the late war with France, of which the conduct has been so lavishly celebrated, did no designs miscarry? If we conquered at Ramillies, were we not in our turn beaten at Almanza? If we destroyed the French ships, was it not always with some loss of our own? And since the sufferings of our merchants have been mentioned with so much acrimony, do not the lists of the ships taken in that war, prove that the depredations of privateers cannot be entirely prevented?

The disappointment, sir, of the publick expectation by the return of the fleets, has been charged upon the administration, as a crime too enormous to be mentioned without horrour and detestation. That the ministry have not the elements in their power, that they do not prescribe the course of the wind, is a sufficient proof of their negligence and weakness: with as much justice is it charged upon them, that the expectations of the populace, which they did not raise, and to which, perhaps, the conquest of a kingdom had not been equal, failed of being gratified.

I am very far from hoping or desiring that the house should be satisfied with a defence like this; I know, by observing the practice of the opponents of the ministry, what fallacy may be concealed in general assertions, and am so far from wishing to evade a more exact inquiry, that if the gentleman who has thus publickly and confidently accused the ministry, will name a day for examining the state of the nation, I will second his motion.

[The address was at length agreed to, without a division.]

Mr. PULTENEY then moved, that the state of the nation should be considered six weeks hence; sir Robert Walpole seconded the motion, and it was unanimously agreed, that this house will, on the 21st of next month, resolve itself into a committee of the whole house, to consider of the state of the nation. But when that day came, sir Robert Walpole having been able to defeat a motion which was to refer some papers to a secret committee, the consideration of the state of the nation was put off for a fortnight; but on the eve of that day, both houses ad-

journed for fourteen days, during which, sir Robert Walpole resigned his employments of first lord of the treasury, and chancellor and under treasurer of his majesty's exchequer; and was created a peer, by the title of lord Walpole, and earl of Orford.

HOUSE OF COMMONS, MARCH 9, 1741-2.

On a motion for inquiring into the conduct of affairs at home and abroad, during the last twenty years,

Lord LIMERICK rose, and spoke in the following manner:—Sir, as I am about to offer to the house a motion of the highest importance to the honour and happiness of our country, to the preservation of our privileges, and the continuance of our constitution, I make no doubt of a candid attention from this assembly, and hope for such a determination as shall be the result not of external influence, but of real conviction.

I cannot but congratulate myself and all lovers of their country, that we are arrived at a time, in which such hopes may be rationally indulged, that we shall soon see the triumph of liberty, and the renovation of senatorial freedom. It is not without the highest satisfaction, that I find my life protracted to that happy day, in which the yoke of dependence has been shaken off, and the shackles of oppression have been broken; in which truth and justice have once more raised up their heads, and obtained that regard which had so long been paid to splendid wickedness and successful rapine.

The time is now past, in which it was meritorious to harden the heart against pity, and the forehead against shame; to plunder the people by needless taxes, and insult them by displaying their spoils before their eyes, in luxurious riot, and boundless magnificence; when the certain method of obtaining what the greatest part, even of good men, cannot but sometimes wish to acquire, interest, affluence, and honour, was an implicit resignation to authority,

a desertion of all principles, defiance of all censure, and an open declaration against any other motives of action, than the sole pleasure of an arbitrary minister.

It is now, sir, no longer considered as an instance of disaffection to the government, to represent the miseries and declare the opinions of the people; to propose their interest as the great basis of government, the general end of society, and the parent of law. It is now no longer criminal to affirm, that they have a right to complain when they are, in their own opinion, injured, and to be heard when they complain. It may now be with safety asserted, that those who swell with the pride of office, and glitter with the magnificence of a court, however they may display their affluence, or boast their titles; with whatever contempt they may have learned of late to look upon their fellow-subjects, who have no possessions but what they have obtained by their industry, nor any honours but what are voluntarily paid to their understanding and their virtue; with whatever authority they may dictate to their dependants, or whatever reverence they may exact from a long subordination of hirelings, are, amidst all their pomp and influence, only the servants of the people, intrusted by them with the administration of their affairs, and accountable to them for the abuse of trust.

That trusts of the highest importance have been long abused, that the servants of the people, having long thought themselves out of the reach of justice, and above examination, have very ill discharged the offices in which they have been engaged, that the publick advantage has been wholly disregarded, that treaties have been concluded without any regard to the interest of Britain, and that our foreign and domestick affairs have been managed with equal ignorance, negligence, or wickedness, the present state of Europe, and the calamities of this country, will sufficiently inform us.

If we survey the condition of foreign nations, we shall find, that the power and dominions of the family of Bourbon, a family which has never had any other designs than the extirpation of true religion, and the universal slavery

of mankind, have been daily increased. We shall find that they have increased by the declension of the house of Austria, which treaties and our interest engage us to support.

But had their acquisitions been made only by the force of arms, had they grown stronger only by victories, and more wealthy only by plunder, our ministers might, with some appearance of reason, have imputed their success to accident, and informed us, that we gained, in the mean time, a sufficient counterbalance to those advantages, by an uninterrupted commerce, and by the felicity of peace; peace, which, in every nation, has been found to produce affluence, and of which the wisest men have thought that it could scarcely be too dearly purchased.

But peace has, in this nation, by the wonderful artifices of our ministers, been the parent of poverty and misery; we have been so far from finding our commerce extended by it, that we have enjoyed it only by a contemptible patience of the most open depredations, by a long connivance at piracy, and by a continued submission to insults, which no other nation would have borne.

We have been so far from seeing any part of our taxes remitted, that we have been loaded with more rigorous exactions to support the expenses of peace, than were found necessary to defray the charges of a war against those, whose opulence and power had incited them to aspire to the dominion of the world.

How these taxes have been employed, and why our trade has been neglected, why our allies have been betrayed, and why the ancient enemies of our country have been suffered to grow powerful by our connivances, it is now time to examine; and therefore I move, that a committee be appointed to inquire into the conduct of affairs at home and abroad during the last twenty years.

Sir JOHN ST. AUBIN then spoke as follows:—Sir, I rise up to second this motion; and, as the noble lord has opened it in so full and proper a manner, and as I do not doubt but that other gentlemen are ready to support it, more practised in speaking, of greater abilities and autho-

rity than myself, I am the less anxious about the injury it may receive from the part I bear in it. I think the proposition is so evident, that it wants no enforcement; it comes to you from the voice of the nation, which, thank God, has at last found admittance within these walls.

Innocence is of so delicate a nature, that it cannot bear suspicion, and therefore will desire inquiry; because it will always be justified by it. Guilt, from its own consciousness, will use subterfuges, and fly to concealment; and the more righteous and authoritative the inquiry, the more it will be avoided; because the greater will be the dread of punishment.

In private life, I am contented with men's virtues only, without seeking for opportunities of blame. In a publick character, when national grievances cry aloud for inquiry and justice, it is our duty to pursue all the footsteps of guilt; and the loud, the pathetick appeal of my constituents, is more forcibly persuasive than any motive of private tenderness. This appeal is not the clamour of faction, artfully raised to disturb the operation of government, violent for a while, and soon to be appeased. It is the complaint of long and patient sufferings, a complaint not to be silenced; and which all endeavours to suppress it, would only make more importunate and clamorous. It is the solemn appeal of the whole people, of the united body of our constituents, in this time of national calamity, earnestly beseeching you, in a legal parliamentary way, to redress their grievances, to revive your ancient right of inquiry, to explore the most remote and hidden sources of iniquity, to detect the bold authors of their distress, that they may be made examples of national justice.

It is to you they appeal, the true, the genuine representatives of the people. Not like former parliaments, an instrument of state, the property of a minister, purchased by the missionaries of corruption, who have been dispersed through the kingdom, and furnished with the publick money to invade all natural interest, by poisoning the morals of the people. Upon this rotten foundation has been erected a towering fabrick of corruption: a most

dangerous conspiracy has been carried on against the very essence of our constitution, a formidable system of ministerial power has been formed, fallaciously assuming, under constitutional appearances, the name of legal government.

In this system we have seen the several offices of administration meanly resolving themselves under the direction and control of one man: while this scheme was pursued, the nation has been ingloriously patient of foreign indignities; our trade has been most shamefully neglected, or basely betrayed; a war with an impotent enemy, most amply provided for, unsuccessfully carried on; the faith of treaties broke; our natural allies deserted, and weakened even by that power, which we now dread for want of their assistance.

It is not the bare removal from office that will satisfy the nation, especially if such removal is dignified with the highest marks of royal favour. This only gives mankind a reasonable fear that his majesty has rather condescended to the importunities, than adopted the opinion of his people. It is, indeed, a most gracious condescension, a very high instance of his majesty's just intentions to remove any of his servants upon national suspicion; but it will give his majesty a most unfavourable opinion of his people, if he is not satisfied that this suspicion was just. It is the unfortunate situation of arbitrary kings, that they know the sentiments of their people only from whisperers in their closet. Our monarchy has securer establishments. Our sovereign is always sure of knowing the true sense of his people, because he may see it through the proper, the constitutional medium: but then this medium must be pure, it must transmit every object in its real form and its natural colours. This is all that is now contended for. You are called to the exercise of your just right of inquiry, that his majesty may see what reason there is for this general inquietude.

This motion is of a general nature; whom it may more particularly affect, I shall not determine. But there is a great person, lately at the head of the administration, who stands foremost, the principal object of national suspicion. He surely will not decline this inquiry, it is his own pro-

position; he has frequently, in the name of the whole administration, thrown down his gauntlet here; has desired your inquiries, and has rested his fate on your justice. The nation accepts the challenge, they join issue with him, they are now desirous to bring this great cause in judgment before you.

It must be imputed to the long intermission of this right of inquiry, that the people have now this cause of complaint; had the administration of this great person been submitted to the constitutional controls, had his conduct undergone strict and frequent inquiries, he had parts and abilities to have done great honour and service to this country. But the will, uncontrouled, for ever must and will produce security and wantonness; nor can moderation and despotick power subsist long together.

In vain do we admire the outlines of our constitution, in vain do we boast of those wise and salutary restraints, which our ancestors, at the expense of their blood and treasure, have wisely imposed upon monarchy itself, if it is to be a constitution in theory only, if this evasive doctrine is to be admitted, that a fellow-subject of our own, perhaps of the lowest rank among us, may be delegated by the crown to exercise the administration of government, with absolute, uncontroulable dominion over us; which must be the case, if ministerial conduct is not liable to parliamentary inquiries.

If I did not think this motion agreeable to the rules and proceedings of the senate; if I thought it was meant to introduce any procedure which was not strictly consonant to the laws and constitution of my country, I do most solemnly protest I would be against it. But as I apprehend it to arise from the nature and spirit of our constitution, as it will defend the innocent, and can be detrimental only to the guilty, I do most heartily second the motion.

The hon. HENRY PELHAM opposed the motion to the following effect:—Sir, if it was not daily to be observed, how much the minds of the wisest and most moderate men are elated with success, and how often those, who have been able to surmount the strongest obstacles with unwea-

ried diligence, and to preserve their fortitude unshaken amidst hourly disappointments, have been betrayed by slight advantages into indecent exultations, unreasonable confidence, and chimerical hopes; had I not long remarked the infatuation of prosperity, and the pride of triumph, I should not have heard the motion which has been now made without astonishment.

It has been long the business or the amusement of the gentlemen, who, having for some time conferred upon themselves the venerable titles of patriots, advocates for the people, and defenders of the constitution, have at length persuaded part of the nation to dignify them with the same appellation, to display in the most pathetick language, and aggravate with the most hyperbolical exaggerations, the wantonness with which the late ministry exercised their power, the exorbitance of their demands, and the violence of their measures. They have indulged their imaginations, which have always been sufficiently fruitful in satire and invective, by representing them as men in whom all regard to decency or reputation was extinguished, men who no longer submitted to wear the mask of hypocrisy, or thought the esteem of mankind worth their care; who had ceased to profess any regard to the welfare of their country, or any desire of advancing the publick happiness; and who no longer desired any other effects of their power, than the security of themselves and the conquest of their opponents.

Such, sir, has been the character of the ministry, which, by the incessant endeavours of these disinterested patriots, has been carried to the remotest corners of the empire, and disseminated through all the degrees of the people. Every man, whom they could enlist among their pupils, whom they could persuade to see with their eyes, rather than his own, and who was not so stubborn as to require proofs of their assertions, and reasons of their conduct; every man who, having no sentiments of his own, hoped to become important by echoing those of his instructers, was taught to think and to say, that the court was filled with open corruption; that the greatest and the wisest men of

the kingdom set themselves publickly to sale, and held an open traffick for votes and places; that whoever engaged in the party of the minister, declared himself ready to support his cause against truth, and reason, and conviction, and was no longer under the restraint of shame or virtue.

These assertions, hardy as they were, they endeavoured to support by instances of measures, which they described as having no other tendency, than to advance the court to absolute authority, to enslave the nation, or to betray it: and more happily would they have propagated their system, and much sooner would they have obtained a general declaration of the people in their favour, had they been able to have produced a motion like this.

Should the influence of these men increase, should they grow secure in the possession of their power, by any new methods of deluding the people, what wonderful expedients, what unheard-of methods of government may not be expected from them? What degrees of violence may they not be supposed to practise, who have flushed their new authority by a motion which was never projected since the first existence of our government, or offered by the most arbitrary minister in all the confidence of an established majority.

It may, perhaps, be imagined by many of those who are unacquainted with senatorial affairs, as many of the members of this house may without any reproach be supposed to be, that I have made use of those arts against the patriots which they have so long practised against the court; that I have exaggerated the enormity of the motion by unjust comparisons, or rhetorical flights; and that there will be neither danger nor inconvenience in complying with it to any but those who have betrayed their trust, or neglected their duty.

I doubt not, but many of those with whom this motion has been concerted, have approved it without seeing all its consequences; and have been betrayed into that approbation by a laudable zeal for their country, and an honest indignation against corruption and treachery, by a virtuous desire of detecting wickedness, and of securing our constitution from any future dangers or attacks.

For the sake, therefore, of these gentlemen, whom I cannot but suppose willing to follow the dictates of their own consciences, and to act upon just motives, I shall endeavour to lay open the nature of this extraordinary motion, and doubt not but that when they find it, as it will unquestionably appear, unreasonable in itself, and dangerous to posterity, they will change their opinion for the same reasons as they embraced it, and prefer the happiness of their country to the prosperity of their party.

Against an inquiry into the conduct of all foreign and domestick affairs for *twenty* years past, it is no weak argument that it is without precedent; that neither the zeal of patriotism, nor the rage of faction, ever produced such a motion in any former age. It cannot be doubted by those who have read our histories, that formerly our country has produced men equally desirous of detecting wickedness, and securing liberty, with those who are now congratulating their constituents on the success of their labours; and that faction has swelled in former times to a height, at which it may reasonably be hoped it will never arrive again, is too evident to be controverted.

What then can we suppose was the reason, that neither indignation, nor integrity, nor resentment, ever before directed a motion like this? Was it not, because it neither will serve the purposes of honesty, nor wickedness; that it would have defeated the designs of good, and betrayed those of bad men; that it would have given patriotism an appearance of faction, rather than have vested faction with the disguise of patriotism.

It cannot be supposed, that the sagacity of these gentlemen, however great, has enabled them to discover a method of proceeding which escaped the penetration of our ancestors, so long celebrated for the strength of their understanding, and the extent of their knowledge. For it is evident, that without any uncommon effort of the intellectual faculties, he that proposes an inquiry for a year past, might have made the same proposal with regard to a longer time; and it is therefore probable, that the limitation of the term is the effect of his knowledge, rather than of his ignorance.

And, indeed, the absurdity of an universal inquiry for twenty years past is such, that no man, whose station has given him opportunities of being acquainted with publick business, could have proposed it, had he not been misled by the vehemence of resentment, or biassed by the secret operation of some motives different from publick good; for it is no less than a proposal for an attempt impossible to be executed, and of which the execution, if it could be effected would be detrimental to the publick.

Were our nation, sir, like some of the inland kingdoms of the continent, or the barbarous empire of Japan, without commerce, without alliances, without taxes, and without competition with other nations; did we depend only on the product of our own soil to support us, and the strength of our own arms to defend us, without any intercourse with distant empire, or any solicitude about foreign affairs, were the same measures uniformly pursued, the government supported by the same revenues, and administered with the same views, it might not be impracticable to examine the conduct of affairs, both foreign and domestick, for twenty years; because every year would afford only a transcript of the accounts of the last.

But how different is the state of Britain, a nation whose traffick is extended over the earth, whose revenues are every year different, or differently applied, which is daily engaging in new treaties of alliance, or forming new regulations of trade with almost every nation, however distant, which has undertaken the arduous and intricate employments of superintending the interests of all foreign empires, and maintaining the equipoise of the French powers, which receives ambassadors from all the neighbouring princes, and extends its regard to the limits of the world.

In such a nation, every year produces negotiations of peace, or preparations for war, new schemes and different measures, by which expenses are sometimes increased, and sometimes retrenched. In such a nation, every thing is in a state of perpetual vicissitude; because its measures are seldom the effects of choice, but of necessity, arising from the change of conduct in other powers.

Nor is the multiplicity and intricacy of our domestick

affairs less remarkable or particular. It is too well known that our debts are great, and our taxes numerous; that our funds, appropriated to particular purposes, are at some times deficient, and at others redundant; and that therefore the money arising from the same imposts, is differently applied in different years. To assert that this fluctuation produces intricacy, may be imagined a censure of those to whose care our accounts are committed; but surely it must be owned, that our accounts are made necessarily less uniform and regular, and such as must require a longer time for a complete examination.

Whoever shall set his foot in our offices, and observe the number of papers with which the transactions of the last twenty years have filled them, will not need any arguments against this motion. When he sees the number of writings which such an inquiry will make necessary to be perused, compared, and extracted, the accounts which must be examined and opposed to others, the intelligence from foreign courts which must be considered, and the estimates of domestick expenses which must be discussed; he will own, that whoever is doomed to the task of this inquiry, would be happy in exchanging his condition with that of the miners of America; and that the most resolute industry, however excited by ambition, or animated by patriotism, must sink under the weight of endless labour.

If it be considered how many are employed in the publick offices, it must be confessed, either that the national treasure is squandered in salaries upon men who have no employment, or that twenty years may be reasonably supposed to produce more papers than a committee can examine; and, indeed, if the committee of inquiry be not more numerous than has ever been appointed, it may be asserted, without exaggeration, that the inquiry into our affairs for twenty years past, will not be accurately performed in less than twenty years to come; in which time those whose conduct is now supposed to have given the chief occasion to this motion, may be expected to be removed for ever from the malice of calumny, and the rage of persecution.

But if it should be imagined by those who, having never

been engaged in publick affairs, cannot properly judge of their intricacy and extent, that such an inquiry is in reality so far from being impossible, that it is only the work of a few months, and that the labour of it will be amply recompensed by the discoveries which it will produce, let them but so long suspend the gratification of their curiosity, as to consider the nature of that demand by which they are about to satisfy it. A demand, by which nothing less is required than that all the secrets of our government should be made publick.

It is known in general to every man, whose employment or amusement it has been to consider the state of the French kingdoms, that the last twenty years have been a time not of war, but of negotiations; a period crowned with projects, and machinations often more dangerous than violence and invasions; and that these projects have been counteracted by opposite schemes, that treaties have been defeated by treaties, and one alliance overbalanced by another.

Such a train of transactions, in which almost every court of France has been engaged, must have given occasion to many private conferences, and secret negotiations; many designs must have been discovered by informers who gave their intelligence at the hazard of their lives, and been defeated, sometimes by secret stipulations, and sometimes by a judicious distribution of money to those who presided in senates or councils.

Every man must immediately be convinced, that by the inquiry now proposed, all these secrets will be brought to light; that one prince will be informed of the treachery of his servants, and another see his own cowardice or venality exposed to the world. It is plain, that the channels of intelligence will be for ever stopped, and that no prince will enter into private treaties with a monarch who is denied by the constitution of his empire, the privilege of concealing his own measures. It is evident, that our enemies may hereafter plot our ruin in full security, and that our allies will no longer treat us with confidence.

Since, therefore, the inquiry now demanded is impossi-

ble, the motion ought to be rejected, as it can have no other tendency than to expose the senate and the nation to ridicule; and since, if it could be performed, it would produce consequences fatal to our government, as it would expose our most secret measures to our enemies, and weaken the confidence of our allies. I hope every man who regards either his own reputation, or that of the senate, or professes any solicitude for the publick good, will oppose the motion.

Lord QUARENDON spoke to this effect:—Sir, I am always inclined to suspect a man who endeavours rather to terrify than persuade. Exaggerations and hyperboles are seldom made use of by him who has any real arguments to produce. The reasonableness of this motion (of which I was convinced when I first heard it, and of which, I believe, no man can doubt who is not afraid of the inquiry proposed by it) is now, in my opinion, evinced by the weak opposition which has been made by the honourable gentleman, to whose abilities I cannot deny this attestation, that the cause which he cannot defend, has very little to hope from any other advocate.

And surely he cannot, even by those who, whenever he speaks, stand prepared to applaud him, be thought to have produced any formidable argument against the inquiry, who has advanced little more than that it is impossible to be performed.

Impossibility is a formidable sound to ignorance and cowardice; but experience has often discovered, that it is only a sound uttered by those who have nothing else to say; and courage readily surmounts those obstacles that sink the lazy and timorous into despair.

That there are, indeed, impossibilities in nature, cannot be denied. There may be schemes formed which no wise man will attempt to execute, because he will know that they cannot succeed; but, surely, the examination of arithmetical deductions, or the consideration of treaties and conferences, cannot be admitted into the number of impossible designs; unless, as it may sometimes happen, the treaties and calculations are unintelligible.

The only difficulty that can arise, must be produced by the confusion and perplexity of our publick transactions, the inconsistency of our treaties, and the fallaciousness of our estimates; but I hope no man will urge these as arguments against the motion. An inquiry ought to be promoted, that confusion may be reduced to order, and that the distribution of the publick money may be regulated. If the examination be difficult, it ought to be speedily performed, because those difficulties are daily increasing; if it be impossible, it ought to be attempted, that those methods of forming calculations may be changed, which make them impossible to be examined.

Mr. FOWKES replied in the manner following:—Sir, to treat with contempt those arguments which cannot readily be answered, is the common practice of disputants; but as it is contrary to that candour and ingenuity which is inseparable from zeal for justice and love of truth, it always raises a suspicion of private views, and of designs, which, however they may be concealed by specious appearances, and vehement professions of integrity and sincerity, tend in reality to the promotion of some secret interest, or the gratification of some darling passion. It is reasonable to imagine, that he, who in the examination of publick questions, calls in the assistance of artifice and sophistry, is actuated rather by the rage of persecution, than the ardour of patriotism; that he is pursuing an enemy, rather than detecting a criminal; and that he declaims against the abuse of power in another, only that he may more easily obtain it himself.

In senatorial debates, I have often known this method of easy confutation practised, sometimes with more success, and sometimes with less. I have often known ridicule of use, when reason has been baffled, and seen those affect to despise their opponents, who have been able to produce nothing against them but artful allusions to past debates, satirical insinuations of dependence, or hardy assertions unsupported by proofs. By these arts I have known the young and unexperienced kept in suspense; I have seen the cautious and diffident taught to doubt of

the plainest truths; and the bold and sanguine persuaded to join in the cry, and hunt down reason, after the example of their leaders.

But a bolder attempt to disarm argument of its force, and to perplex the understanding, has not often been made, than this which I am now endeavouring to oppose. A motion has been made and seconded for an inquiry, to which it is objected, not that it is illegal, not that it is inconvenient, not that it is unnecessary, but that it is *impossible.* An objection more formidable cannot, in my opinion, easily be made; nor can it be imagined that those men would think any other worthy of an attentive examination, who can pass over this as below their regard; yet even this has produced no answer, but contemptuous raillery, and violent exclamation.

What arguments these gentlemen require, it is not easy to conjecture; or how those who disapprove their measures, may with any hope of success dispute against them. Those impetuous spirits that break so easily through the bars of impossibility, will scarcely suffer their career to be stopped by any other restraint; and it may be reasonably feared, that arguments from justice, or law, or policy, will have little force upon these daring minds, who in the transports of their newly acquired victory, trample impossibility under their feet, and imagine that to those who have vanquished the ministry, every thing is practicable.

That this inquiry would be the work of years; that it will employ greater numbers than were ever deputed by this house on such an occasion before; that it would deprive the nation of the counsels of the wisest and most experienced members of this house, (for such only ought to be chosen,) at a time when all Europe is in arms, when our allies are threatened not only with subjection, but annihilation; when the French are reviving their ancient schemes, and projecting the conquest of the continent; and that it will, therefore, interrupt our attention to more important affairs, and disable us from rescuing our confederates, is incontestably evident; nor can the wisest or the most experienced determine how far its consequences

may extend, or inform us, whether it may not expose our commerce to be destroyed by the Spaniards, and the liberties of all the nations round us to be infringed by the French; whether it may not terminate in the loss of our independence, and the destruction of our religion.

Such are the effects which may be expected from an attempt to make the inquiry proposed; effects, to which no proportionate advantages can be expected from it, since it has been already shown, that it can never be completed; and to which, though the indefatigable industry of curiosity or malice should at length break through all obstacles, and lay all the transactions of twenty years open to the world, no discoveries would be equivalent.

That any real discoveries of misconduct would be made, that the interest of our country would be found ever to have been lazily neglected, or treacherously betrayed, that any of our rights have been either yielded by cowardice, or sold by avarice, or that our enemies have gained any advantage over us by the connivance or ignorance of our ministers, I am indeed very far from believing; but as I am now endeavouring to convince those of the impropriety of this motion, who have long declared themselves of a different opinion, it may not be improper to ask, what advantage they propose by detecting errours of twenty years, which are now irretrievable; of inquiring into fraudulent practices, of which the authors and the agents are now probably in their graves; and exposing measures, of which all the inconveniencies have been already felt, and which have now ceased to affect us.

If it be wise to neglect our present interest for the sake of inquiring into past miscarriages, and the inquiry now proposed be in itself possible, I have no objections to the present motion; but as I think the confused state of Europe demands our utmost attention, and the prosecution of the war against Spain is in itself of far more importance than the examination of all past transactions, I cannot but think, that the duty which I owe to my country requires that I should declare myself unwilling to concur in any proposal, that may unnecessarily divert our thoughts or distract our councils.

Lord PERCIVAL then rose and spoke to the following purpose:—Sir, to discourage good designs by representations of the danger of attempting, and the difficulty of executing them, has been, at all times, the practice of those whose interest has been threatened by them. A pirate never fails to intimidate his pursuers by exaggerating the number and resolution of his crew, the strength of his vessels, and the security of his retreats. A cheat discourages a prosecution by dwelling upon his knowledge of all the arts and subterfuges of the law, the steadiness of his witnesses, and the experience of his agents.

To raise false terrours by artful appearances is part of the art of war, nor can the general be denied praise, who by an artful disposition of a small body, discourages those enemies from attacking him by whom he would certainly be overcome; but then, surely the appearance ought to be such as may reasonably be expected to deceive; for a stratagem too gross only produces contempt and confidence, and adds the vexation of being ridiculous to the calamity of being defeated.

Whether this will be the fate of the advocates for the ministry, I am not able to determine; but surely they have forgot the resolution with which their enemies bore up for many years against their superiority, and the conduct by which at last they defeated the united influence of power and money; if they hope to discourage them from an attack, by representing the bulk and strength of their paper fortifications. They have lost all memory of the excise and the convention, who can believe their eloquence sufficiently powerful to evince, that the inquiry now proposed ought to be numbered among impossibilities.

Whoever, sir, is acquainted with their methods of negotiation, will, indeed, easily believe the papers sufficiently numerous, and the task of examining them such as no man would willingly undertake; for it does not appear for what end the immense sums which late senates have granted, were expended, except for the payment of secretaries, and ministers, and couriers. But whatever care has been employed to perplex every transaction with use-

less circumstances, and to crowd every office with needless papers, it will be long before they convince us, that it is impossible to examine them. They may, doubtless, be in time perused, though, perhaps, they can never be understood.

The utmost inconvenience, sir, that can be feared, is the necessity of engaging a greater number of hands than on former occasions; and it will be no disagreeable method to the publick, if we employ some of the clerks which have been retained only for the sake of gratifying the leaders of boroughs, or advancing the distant relations of the defenders of the ministry, in unravelling those proceedings which they have been hitherto hired only to embarrass, and in detecting some of those abuses to which the will of their masters has made them instrumental; that they may at last deserve, in some degree, the salaries which they have enjoyed, may requite the publick for their part of its spoils, by contributing to the punishment of the principal plunderers, and leave their offices, of which I hope the number will be quickly diminished, with the satisfaction of having deserved at last the thanks of their country.

By this expedient, sir, the inquiry will be made at least possible, and I hope, though it should still remain difficult, those who have so long struggled for the preservation of their country, and who have at last seen their labours rewarded with success, will not be discouraged from pursuing it.

The necessity of such an inquiry will grow every day more urgent; because wicked men will be hardened in confidence of impunity, and the difficulty, such as it is, will be increased by every delay; for what now makes an inquiry difficult, or in the style of these mighty politicians impossible, but the length of time that has elapsed since the last exertion of this right of the senate, and the multitude of transactions which are necessarily to be examined?

What is this year an irksome and tedious task, will in another year require still more patience and labour; and though I cannot believe that it will ever become impossible, it will undoubtedly in time be sufficient to weary

the most active industry, and to discourage the most ardent zeal.

The chief argument, therefore, that has been hitherto employed to discourage us from an inquiry, ought rather, in my opinion, to incite us to it. We ought to remember, that while the enemies of our country are fortifying themselves behind an endless multiplicity of negotiations and accounts, every day adds new strength to their intrenchments, and that we ought to force them while they are yet unable to resist or escape us.

Sir WILLIAM YONGE then spoke to the following effect:—Sir, however I may be convinced in my own opinion of the impracticability of the inquiry now proposed, whatever confidence I may repose in the extensive knowledge and long experience of those, by whom it has been openly pronounced not only difficult but impossible, I think there are arguments against the motion, which though, perhaps, not stronger in themselves, (for what objection can be stronger than impossibility,) ought at least more powerfully to incite us to oppose it.

Of the impossibility of executing this inquiry, those who have proposed it well deserve to be convinced, not by arguments but experience; they deserve not to be diverted by persuasions from engaging in a task, which they have voluntarily determined to undergo; a task, which neither honour, nor virtue, nor necessity has imposed upon them, and to which it may justly be suspected, that they would not have submitted upon any other motives, than those by which their conduct has hitherto been generally directed, ambition and resentment.

Men who, upon such principles, condemn themselves to labours which they cannot support, surely deserve to perish in the execution of their own projects, to be overwhelmed by the burdens which they have laid upon themselves, and to suffer the disgrace which always attends the undertakers of impossibilities; and from which the powers of raillery and ridicule, which they have so successfully displayed on this occasion, will not be sufficient to defend them.

They have, indeed, sir, with great copiousness of language, and great fertility of imagination, shown the weakness of supposing this inquiry impossible; they have proposed a method of performing it, which they hope will at once confute and irritate their opponents; but all their raillery and all their arguments have in reality been thrown away upon an attempt to confute what never was advanced. They have first mistaken the assertion which they oppose, and then exposed its absurdity; they have introduced a bugbear, and then attempted to signalize their courage and their abilities, by showing that it cannot fright them.

The honourable gentleman, sir, who first mentioned to you the impossibility of this inquiry, spoke only according to the common acceptation of words, and was far from intending to imply natural and philosophical impossibility. He was far from intending to insinuate, that to examine any series of transactions, or peruse any number of papers, implied an absurdity, or contrariety to the established order of nature; he did not intend to rank this design with those of building in the air, or pumping out the ocean; he intended only to assert a moral or popular impossibility, to show that the scheme was not practicable but by greater numbers than could be conveniently employed upon it, or in a longer space of time than it was rational to assign to it; as we say it is impossible to raise groves upon rocks, or build cities in deserts; by which we mean only to imply, that there is no proportion between the importance of the effect, and the force of the causes which must operate to produce it; that the toil will be great, and the advantage little.

In this sense, sir, and nothing but malice or perverseness could have discovered any other, the motion may be truly said to be impossible; but its impossibility ought to be rather the care of those who make, than of those that oppose it; and, therefore, I shall lay before the house other reasons, which, unless they can be answered, will determine me to vote against it.

It cannot be doubted, but the papers which must on this occasion be examined, contain a great number of private transactions, which the interest of the nation, and the ho-

nour of our sovereign require to be concealed. The system of policy which the French have, within the last century, introduced into the world, has made negotiation more necessary than in any preceding time. What was formerly performed by fleets and armies, by invasions, sieges, and battles, has been of late accomplished by more silent methods. Empires have been enlarged without bloodshed, and nations reduced to distress without the ravages of hostile armies, by the diminution of their commerce, and the alienation of their allies.

For this reason, sir, it has been necessary frequently to engage in private treaties, to obviate designs sometimes justly, and at other times, perhaps, unreasonably suspected. It has been proper to act upon remote suppositions, and to conclude alliances which were only to be publickly owned, in consequence of measures taken by some other powers, which measures were sometimes laid aside, and the treaty, therefore, was without effect. In some of these provisionary contracts, it is easy to conceive, that designs were formed not to the advantage of some powers, whom yet we do not treat as enemies, which were only to be made publick by the execution of them: in others, perhaps, some concessions were made to us, in consideration of the assistance that we promised, by which the weakness of our allies may be discovered, and which we cannot disclose without making their enemies more insolent, and increasing that danger from which they apply to us for security and protection.

If to this representation of the nature of the papers, with which our offices have been filled by the negotiations of the last twenty years, any thing were necessary to be added, it may be farther alleged, that it has long been the practice of every nation on this side of the globe, to procure private intelligence of the designs and expectations of the neighbouring powers, to penetrate into the councils of princes and the closets of ministers, to discover the instructions of ambassadours, and the orders of generals, to learn the intention of fleets before they are equipped, and of armies before they are levied, and to provide not only

against immediate and visible hostilities, but to obviate remote and probable dangers.

It need not be declared in this assembly, that this cannot always be done without employing men who abuse the confidence reposed in them, a practice on which I shall not at this time trouble the house with my opinion, nor interrupt the present debate, by any attempt to justify or condemn it. This, I think, may be very reasonably alleged; that whether the employment of such persons be defensible by the reciprocal practice of nations, or not, it becomes at least those that corrupt them and pay them for their treachery, not to expose them to vengeance, to torture, or to ruin; not to betray those crimes which they have hired them to commit, or give them up to punishment, to which they have made themselves liable only by their instigation, and for their advantage.

That private compacts between nations and sovereigns ought to be kept inviolably secret, cannot be doubted by any man who considers, that secrecy is one of the conditions of those treaties, without which they had not been concluded; and, therefore, that to discover them is to violate them, to break down the securities of human society, to destroy mutual trust, and introduce into the world universal confusion. For nothing less can be produced by a disregard of those ties which link nations in confederacies, and produce confidence and security, and which enable the weak, by union, to resist the attacks of powerful ambition.

How much it would injure the honour of our sovereign to be charged with the dissolution of concord, and the subversion of the general bulwarks of publick faith, it is superfluous to explain. To know the condition to which a compliance with this motion would reduce the British nation, we need only turn our eyes downwards upon the hourly scenes of common life; we need only attend to the occurrences which crowd perpetually upon our view, and consider the calamitous state of that man, of whom it is generally known that he cannot be trusted, and that secrets communicated to him are in reality scattered among mankind.

Every one knows that such a man can expect none of the advantages or pleasures of friendship, that he cannot transact affairs with others upon terms of equality, that he must purchase the favours of those that are more powerful than himself, and frighten those into compliance with his designs who have any thing to fear from him; that he must give uncommon security for the performance of his covenants, that he can have no influence but that of money, which will probably become every day less, that his success will multiply his enemies, and that in misfortunes he will be without refuge.

The condition of nations collectively considered is not different from that of private men, their prosperity is produced by the same conduct, and their calamities drawn upon them by the same errours, negligences, or crimes; and therefore, since he that betrays secrets in private life, indisputably forfeits his claim to trust, and since he that can be no longer trusted is on the brink of ruin, I cannot but conclude that, as by this motion all the secrets of our government must be inevitably betrayed, my duty to his majesty, my love of my country, and my obligations to discharge with fidelity the trust which my constituents have conferred upon me, oblige me to oppose it.

Mr. LITTLETON then rose, and spoke to this effect:—Sir, it always portends well to those who dispute on the side of truth and reason, when their opponents appear not wholly to be hardened against the force of argument, when they seem desirous to gain the victory, not by superiority of numbers but of reason, and attempt rather to convince, than to terrify or bribe. For though men are not in quest of truth themselves, nor desirous to point it out to others; yet, while they are obliged to speak with an appearance of sincerity, they must necessarily afford the unprejudiced and attentive an opportunity of discovering the right. While they think themselves under a necessity of reasoning, they cannot but show the force of a just argument, by the unsuccessfulness of their endeavours to confute it, and the propriety of an useful and salutary motion, by the slight objections which they raise against it. They cannot

but find themselves sometimes forced to discover what they can never be expected to acknowledge, the weakness of their own reasons, by deserting them when they are pressed with contrary assertions, and seeking a subterfuge in new arguments equally inconclusive and contemptible. They show the superiority of their opponents, like other troops, by retreating before them, and forming one fortification behind another, in hopes of wearying those whom they cannot hope to repulse.

Of this conduct we have had already an instance in the present debate; a debate managed with such vigour, order, and resolution, as sufficiently shows the advantage of regular discipline long continued, and proves, that troops may retain their skill and spirit, even when they are deprived of that leader, to whose instructions and example they were indebted for them. When first this motion was offered, it seems to have been their chief hope to divert us from it by outcries of impossibility, by representing it as the demand of men unacquainted with the state of our offices, or the multiplicity of transactions, in which the indefatigable industry of our ministers has been employed; and they have therefore endeavoured to persuade us, that they are only discouraging us from an insuperable labour, and advising us to desist from measures which we cannot live to accomplish.

But when they found, sir, that their exaggerations produced merriment instead of terrour; that their opponents were determined to try their strength against impossibility, that they were resolved to launch out into this boundless ocean of inquiry; an ocean of which they have been boldly told, that it has neither shore nor bottom, and that whoever ventures into it must be tost about for life; when they discovered that this was not able to shake our resolution, or move us to any other disposition, they thought it proper to explain away their assertion of impossibility, by making a kind of distinction between things impossible, and things which cannot be performed; and finding it necessary to enlarge their plea, they have now asserted, that this inquiry is both impossible and inexpedient.

Its impossibility, sir, has been already sufficiently discussed, and shown to mean only a difficulty which the unskilfulness of our ministers has produced; for transactions can only produce difficulties to the inquirer, when they are confused; and confusion can only be the effect of ignorance or neglect.

Artifice is, indeed, one more source of perplexity: it is the interest of that man whose cause is bad to speak unintelligibly in the defence of it, and of him whose actions cannot bear to be examined, to hide them in disorder, to engage his pursuers in a labyrinth, that they may not trace his steps and discover his retreat; and what intricacies may be produced by fraud cooperating with subtilty, it is not possible to tell.

I do not, however, believe, that all the art of wickedness can elude the inquiries of a British senate, quickened by zeal for the publick happiness. The sagacity of our predecessors has often detected crimes concealed with more policy than can be ascribed to those whose conduct is now to be examined, and dragged the authors of national calamities to punishment from their darkest retreats. The expediency, therefore, of this motion, is now to be considered, and surely it will not require long reflection to prove that it is proper, when the nation is oppressed with calamities, to inquire by what misconduct they were brought upon it; when immense sums have been raised by the most oppressive methods of exaction, to ask why they were demanded, and how they were expended; when penal laws have been partially executed, to examine by what authority they were suspended, and by what they were enforced; and when the senate has for twenty years implicitly obeyed the direction of one man, when it has been known throughout the nation, before any question was proposed, how it would be decided, to search out the motive of that regular compliance, and to examine whether the minister was reverenced for his wisdom and virtue, or feared for his power, or courted for the publick money; whether he owed his prevalence to the confidence or corruption of his followers?

It cannot surely be thought inexpedient, to inquire into the reasons for which our merchants were for many years suffered to be plundered, or for which a war, solicited by the general voice of the whole nation, was delayed; into the reasons for which our fleets were fitted out only to coast upon the ocean, and connive at the departure of squadrons and the transportation of armies, to suffer our allies to be invaded, and our traders ruined and enslaved.

It is, in my opinion, convenient to examine with the utmost rigour, why time was granted to our enemies to fortify themselves against us, while a standing army preyed upon our people? Why forces unacquainted with the use of arms were sent against them, under the command of leaders equally ignorant? And why we have suffered their privateers in the mean time to rove at large over the ocean, and insult us upon our own coasts? Why we did not rescue our sailors from captivity, when opportunities of exchange were in our power? And why we robbed our merchants of their crews by rigorous impresses, without employing them either to guard our trade, or subdue our enemies?

If the senate is not to be suffered to inquire into affairs like these, it is no longer any security to the people, that they have the right of electing representatives; and unless they may carry their inquiries back as far as they shall think it necessary, the most acute sagacity may be easily eluded; causes may be very remote from their consequences, the original motives of a long train of wicked measures may lie hid in some private transaction of former years, and those advantages which our enemies have been of late suffered to obtain, were perhaps sold them at some forgotten congress by some secret article.

Such are, probably, the private transactions which the honourable gentleman is so much afraid of exposing to the light; transactions in which the interest of this nation has been meanly yielded up by cowardice, or sold by treachery; in which Britain has been considered as a province subordinate to some other country, or in which the minister has enriched himself by the sacrifice of the publick rights.

It has been, indeed, alleged with some degree of candour, that many of our treaties were provisions against invasions which perhaps were never intended, and calculated to defeat measures which only our own cowardice disposed us to fear. That such treaties have, indeed, been made, Hanover is a sufficient witness; but however frequently they may occur, they may surely be discovered with very little disadvantage to the nation; they will prove only the weakness of those that made them, who were at one time intimidated by chimerical terrours, and at another, lulled into confidence by airy security.

The concessions from foreign powers, which have been likewise mentioned, ought surely not to be produced as arguments against the motion; for what could more excite the curiosity of the nation, if, indeed, this motion were in reality produced by malevolence or resentment; if none were expected to concur in it but those who envied the abilities, or had felt the power of the late minister, it might be, perhaps, defeated by such insinuations; for nothing could more certainly regain his reputation, or exalt him to more absolute authority, than proofs that he had obtained for us any concessions from foreign powers.

If any advantageous terms have been granted us, he must be confessed to have so far discharged his trust to his allies, that he has kept them with the utmost caution from the knowledge of the people, who have heard, during all his administration, of nothing but subsidies, submission, and compliances paid to almost every prince on the continent who has had the confidence to demand them; and if by this inquiry any discovery to the disadvantage of our allies should be struck out, he may with great sincerity allege, that it was made without his consent.

Another objection to this inquiry is, that the spies which are retained in foreign courts may be detected by it, that the canals of our intelligence will be for ever stopped, and that we shall henceforth have no knowledge of the designs of foreign powers, but what may be honestly attained by penetration and experience. Spies are, indeed, a generation for whose security I have not much regard, but for

whom I am on this occasion less solicitous, as I believe very few of them will be affected by this motion.

The conduct of our ministers has never discovered such an acquaintance with the designs of neighbouring princes, as could be suspected to be obtained by any uncommon methods, or they have very little improved the opportunities which early information put into their power; for they have always been baffled and deceived. Either they have employed no spies, or their spies have been directed to elude them by false intelligence, or true intelligence has been of no use; and if any of these assertions be true, the publick will not suffer by the motion.

It was justly observed, by the honourable gentleman, that a parallel may be properly drawn between a nation and a private man, and, by consequence, between a trading nation and a trader. Let us, therefore, consider what must be the state of that trader who shall never inspect or state his accounts, who shall suffer his servants to traffick in the dark with his stock, and on his credit, and who shall permit them to transact bargains in his name, without inquiring whether they are advantageous, or whether they are performed.

Every man immediately marks out a trader thus infatuated, as on the brink of bankruptcy and ruin; every one will easily foresee, that his servants will take advantage of his credulity, and proceed hourly to grosser frauds; that they will grow rich by betraying his interest, that they will neglect his affairs to promote their own, that they will plunder him till he has nothing left, and seek then for employment among those to whom they have recommended themselves by selling their trust. His neighbours, who easily foresee his approaching misery, retire from him by degrees, disunite their business from his, and leave him to fall, without involving others in his ruin.

Such must be the fate of a trader whom idleness, or a blind confidence in the integrity of others, hinders from attending to his own affairs, unless he rouses from his slumber, and recovers from his infatuation. And what is to be done by the man who, having for more than twenty years

neglected so necessary an employment, finds, what must necessarily be found in much less time, his accounts perplexed, his credit depressed, and his affairs disordered? What remains, but that he suffer that disorder to proceed no farther, that he resolutely examine all the transactions which he has hitherto overlooked, that he repair those errours which are yet retrievable, and reduce his trade into method; that he doom those servants, by whom he has been robbed or deceived, to the punishment which they deserve, and recover from them that wealth which they have accumulated by rapacity and fraud.

By this method only can the credit of the trader or the nation be repaired, and this is the method which the motion recommends; a motion with which, therefore, every man may be expected to comply, who desires that his country should once more recover its influence and power, who wishes to see Britain again courted and feared, and her monarch considered as the arbiter of the world, the protector of the true religion, and the defender of the liberties of mankind.

Mr. PHILLIPS spoke in substance as follows:—Sir, I am so far from believing that there is danger of exposing the spies of the government to the resentment of foreign princes, by complying with this motion, that I suspect the opposition to be produced chiefly from a consciousness, that no spies will be discovered to have been employed, and that the secret service for which such large sums have been required, will appear to have been rather for the service of domestick than of foreign traitors, and to have been performed rather in this house than in foreign courts.

Secret service has been long a term of great use to the ministers of this nation; a term of art to which such uncommon efficacy has been hitherto annexed, that the people have been influenced by it to pay taxes, without expecting to be informed how they were applied, having been content with being told, when they inquired after their properties, that they were exhausted and dissipated in secret service.

Secret service I conceive to have originally implied transactions, of which the agents were secret, though the

effects were visible. When Marlborough defeated the French, when he counteracted all their stratagems, obviated all their designs, and deceived all their expectations, he charged the nation with large sums for secret service, which were, indeed, cheerfully allowed, because the importance and reality of the service were apparent from its effects. But what advantages can our ministers boast of having obtained in twenty years by the means of their intelligence? Or by whom have they, within that period, not been deceived by false appearances? When we purchase secret service at so dear a rate, let it appear that we really obtain what we pay for, though the means by which it is obtained are kept impenetrably secret. Wherever the usefulness of the intelligence is not discoverable, it is surely just to inquire, whether our money is not demanded for other purposes, whether we are not in reality hiring with our own money armies to enslave, or senators to betray us; or enriching an avaricious minister, while we imagine ourselves contributing to the publick security?

Colonel CHOLMONDELEY replied to the following effect:—Sir, it has been in all foregoing ages the custom for men to speak of the government with reverence, even when they opposed its measures, or projected its dissolution; nor has it been thought, in any time before our own, decent or senatorial, to give way to satire or invective, or indulge a petulant imagination, to endeavour to level all orders by contemptuous reflections, or to court the populace, by echoing their language, or adopting their sentiments.

This method of gaining the reputation of patriotism, has been unknown till the present age, and reserved for the present leaders of the people, who will have the honour to stand recorded as the original authors of anarchy, the great subverters of order, and the first men who dared to pronounce, that all the secrets of government ought to be made publick.

It has been hitherto understood in all nations, that those who were intrusted with authority, had likewise a claim to respect and confidence; that they were chosen for the

superiority of their abilities, or the reputation of their virtue; and that, therefore, it was reasonable to consign to their management, the direction of such affairs as by their own nature require secrecy.

But this ancient doctrine, by which subordination has been so long preserved, is now to be set aside for new principles, which may flatter the pride, and incite the passions of the people; we are now to be told, that affairs are only kept secret, because they will not bear examination; that men conceal not those transactions in which they have succeeded, but those in which they have failed; that they are only inclined to hide their follies or their crimes, and that to examine their conduct in the most open manner, is only to secure the interest of the publick.

Thus has the nation been taught to expect, that the counsels of the cabinet should be dispersed in the publick papers; that their governours should declare the motives of their measures, and discover the demands of our allies, and the scheme of our policy; and that the people should be consulted upon every emergence, and enjoy the right of instructing not only their own representatives, but the ministers of the crown.

In this debate, the mention of secret treaties has been received with contempt and ridicule; the ministers have been upbraided with chimerical fears, and unnecessary provisions against attacks which never were designed; they have been alleged to have no other interest in view than their own, when they endeavour to mislead inquirers, and to have in reality nothing to keep from publick view but their own ignorance or wickedness.

It cannot surely be seriously asserted by men of knowledge and experience, that there are no designs formed by wise governments, of which the success depends upon secrecy; nor can it be asserted, that the inquiry now proposed will betray nothing from which our enemies may receive advantage.

If we should suppose, that all our schemes are either fully accomplished, or irretrievably defeated, it will not even then be prudent to discover them, since they will

enable our enemies to form conjectures of the future from the past, and to obviate, hereafter, the same designs, when it shall be thought necessary to resume them.

But, in reality, nothing is more irrational than to suppose this a safer time than any other for such general discoveries; for why should it be imagined, that our engagements are not still depending, and our treaties yet in force? And what can be more dishonourable or imprudent, than to destroy at once the whole scheme of foreign policy, to dissolve our alliances, and destroy the effects of such long and such expensive negotiations, without first examining whether they will be beneficial or detrimental to us?

Nor is it only with respect to foreign affairs that secrecy is necessary; there are, undoubtedly, many domestick transactions which it is not proper to communicate to the whole nation. There is still a faction among us, which openly desires the subversion of our present establishment; a faction, indeed, not powerful, and which grows, I hope, every day weaker, but which is favoured, or at least imagines itself favoured, by those who have so long distinguished themselves by opposing the measures of the government. Against these men, whose hopes are revived by every commotion, who studiously heighten every subject of discontent, and add their outcries to every clamour, it is not doubted but measures are formed, by which their designs are discovered, and their measures broken; nor can it be supposed, that this is done without the assistance of some who are received with confidence amongst them, and who probably pass for the most zealous of their party.

Many other domestick occasions of expense might be mentioned; of expense which operates in private, and produces benefits which are only not acknowledged, because they are not known, but which could no longer be applied to the same useful purposes, if the channels through which it passes were laid open. I cannot, therefore, forbear to offer my opinion, that this motion, by which all the secrets of our government will be discovered, will tend to the confusion of the present system of Europe, to the absolute ruin of our interest in foreign

courts, and to the embarrassment of our domestick affairs. I cannot, therefore, conceive how any advantages can be expected by the most eager persecutors of the late ministry, which can, even in their opinion, deserve to be purchased at so dear a rate.

Mr. PITT then spoke to the following purpose:—Sir, I know not by what fatality the adversaries of the motion are impelled to assist their adversaries, and contribute to their own overthrow, by suggesting, whenever they attempt to oppose it, new arguments against themselves.

It has been long observed, that when men are drawing near to destruction, they are apparently deprived of their understanding, and contribute by their own folly to those calamities with which they are threatened, but which might, by a different conduct, be sometimes delayed. This has surely now happened to the veteran advocates for an absolute and unaccountable ministry, who have discovered on this occasion, by the weakness of their resistance, that their abilities are declining; and I cannot but hope, that the omen will be fulfilled, and that their infatuation will be quickly followed by their ruin.

To touch in this debate on our domestick affairs, to mention the distribution of the publick money, and to discover their fears, lest the ways in which it has been disbursed, should by this inquiry be discovered; to recall to the minds of their opponents the immense sums which have been annually demanded, and of which no account has been yet given, is surely the lowest degree of weakness and imprudence.

I am so far from being convinced that any danger can arise from this inquiry, that I believe the nation can only be injured by a long neglect of such examinations; and that a minister is easily formidable, when he has exempted himself by a kind of prescription from exposing his accounts, and has long had an opportunity of employing the publick money in multiplying his dependants, enriching his hirelings, enslaving boroughs, and corrupting senates.

That those have been, in reality, the purposes for which the taxes of many years have been squandered, is suffi-

ciently apparent without an inquiry. We have wasted sums with which the French, in pursuance of their new scheme of increasing their influence, would have been able to purchase the submission of half the nations of the earth, and with which the monarchs of Europe might have been held dependant on a nod; these they have wasted only to sink our country into disgrace, to heighten the spirit of impotent enemies, to destroy our commerce, and distress our colonies. We have patiently suffered, during a peace of twenty years, those taxes to be extorted from us, by which a war might have been supported against the most powerful nation, and have seen them ingulfed in the boundless expenses of the government, without being able to discover any other effect from them than the establishment of ministerial tyranny.

There has, indeed, been among the followers of the court a regular subordination, and exact obedience; nor has any man been found hardy enough to reject the dictates of the grand vizier. Every man who has received his pay, has with great cheerfulness complied with his commands; and every man who has held any post or office under the crown, has evidently considered himself as enlisted by the minister.

But the visible influence of places, however destructive to the constitution, is not the chief motive of an inquiry; an inquiry implies something secret, and is intended to discover the private methods of extending dependence, and propagating corruption; the methods by which the people have been influenced to choose those men for representatives whose principles they detest, and whose conduct they condemn; and by which those whom their country has chosen for the guardians of its liberties, have been induced to support, in this house, measures, which in every other place they have made no scruple to censure.

When we shall examine the distribution of the publick treasure, when we shall inquire by what conduct we have been debarred from the honours of war, and at the same time deprived of the blessings of peace, to what causes it is to be imputed, that our debts have continued during the

long-continued tranquillity of Europe, nearly in the state to which they were raised by fighting, at our own expense, the general quarrel of mankind; and why the sinking fund, a kind of inviolable deposit appropriated to the payment of our creditors, and the mitigation of our taxes, has been from year to year diverted to very different uses; we shall find that our treasure has been exhausted, not to humble foreign enemies, or obviate domestick insurrections; not to support our allies, or suppress our factions; but for ends which no man, who feels the love of his country yet unextinguished, can name without horrour, the purchase of alliances, and the hire of votes, the corruption of the people, and the exaltation of France.

Such are the discoveries which I am not afraid to declare that I expect from the inquiry, and therefore, I cannot but think it necessary. If those to whom the administration of affairs has been for twenty years committed, have betrayed their trust, if they have invaded the publick rights with the publick treasure, and made use of the dignities which their country has conferred upon them, only to enslave it, who will not confess, that they ought to be delivered up to speedy justice? That they ought to be set as landmarks to posterity, to warn those who shall hereafter launch out on the ocean of affluence and power, not to be too confident of a prosperous gale, but to remember, that there are rocks on which whoever rushes must inevitably perish? If they are innocent, and far be it from me to declare them guilty without examination, whom will this inquiry injure? Or what effects will it produce, but that which every man appears to desire, the reestablishment of the publick tranquillity, a firm confidence in the justice and wisdom of the government, and a general reconciliation of the people to the ministers.

Colonel MORDAUNT spoke then, in substance as follows:—Sir, notwithstanding the zeal with which the honourable gentleman has urged the necessity of this inquiry, a zeal of which, I think, it may at least be said, that it is too vehement and acrimonious to be the mere result of publick spirit, unmixed with interest or resentment; he

has yet been so far unsuccessful in his reasoning, that he has not produced in me any conviction, or weakened any of the impressions which the arguments of those whom he opposes had made upon me.

He has contented himself with recapitulating some of the benefits which may be hoped for from the inquiry; he has represented in the strongest terms, the supposed misconduct of the ministry; he has aggravated all the appearances of wickedness or negligence, and then has inferred the usefulness of a general inquiry for the punishment of past offences, and the prevention of the like practices in future times.

That he has discovered great qualifications for invective, and that his declamation was well calculated to inflame those who have already determined their opinion, and who are, therefore, only restrained from such measures as are now recommended by natural caution and sedateness, I do not deny; but, surely he does not expect to gain proselytes by assertions without proof, or to produce any alteration of sentiments, without attempting to answer the arguments which have been offered against his opinion.

It has been urged with great appearance of reason, that an inquiry, such as is now proposed, with whatever prospects of vengeance, of justice, or of advantage, it may flatter us at a distance, will be in reality detrimental to the publick; because it will discover all the secrets of our government, lay all our negotiations open to the world, will show what powers we most fear, or most trust, and furnish our enemies with means of defeating all our schemes, and counteracting all our measures.

This appears to me, sir, the chief argument against the motion, an argument of which the force cannot but be discovered by those whose interest it is to confute it, and of which, therefore, by appearing to neglect it, they seem to confess that it is unanswerable; and therefore, since I cannot find the motion justified otherwise than by loud declarations of its propriety, and violent invectives against the ministry, I hope that I shall escape at least the censure of the calm and impartial, though I venture to de-

clare, that I cannot approve it; and with regard to the clamorous and the turbulent, I have long learned to despise their menaces, because I have hitherto found them only the boasts of impotence.

Mr. CORNWALL made answer to the following purport: —Sir, if to obtain the important approbation of the gentleman that spoke last, it be necessary only to answer the argument on which he has insisted, and nothing be necessary to produce an inquiry but his approbation, I shall not despair that this debate may be concluded according to the wishes of the nation, that secret wickedness may be detected, and that our posterity may be secured from any invasion of their liberty, by examples of the vengeance of an injured people.

[The house divided.—The yeas went forth.—For the question, 242; against it, 244: so that it passed in the negative, by a majority of two.]

HOUSE OF LORDS, MAY 20, 1742.

DEBATE ON A MOTION FOR INDEMNIFYING EVIDENCE RELATING TO THE CONDUCT OF THE EARL OF ORFORD.

The following debate having been produced by an occasion very uncommon and important, it is necessary to give an account of such transactions as may contribute to illustrate it.

The prime minister being driven out of the house of commons, by the prevalence of those who, from their opposition to the measures of the court, were termed the country party, it was proposed that a committee should be appointed, "to inquire into the conduct of publick affairs, at home and abroad, during the last twenty years;" but the motion was rejected.

It was afterwards moved, "that a committee should be appointed to inquire into the conduct of Robert, earl of Orford, during the last ten years in which he was first commissioner of the treasury, and chancellor and under

treasurer of the exchequer," which was carried by 252 to 245.

A committee of one-and-twenty being chosen by ballot, and entering upon the inquiry, called before them Mr. Gibbon, who declared himself agent to J. Botteler, and said, that Botteler, being a candidate for Wendover, and finding that no success was to be expected without five hundred pounds, sent a friend to N. Paxton, with a letter, and that he saw him return with a great number of papers, in which he said were bills for five hundred pounds.

Botteler and his friend being examined, confirmed the testimony of Gibbon; and Botteler added, that he sent to Paxton as an officer of the treasury, acquainted with those who had the disposal of money; that his claim to the favour which he asked arose from a disappointment in a former election; that he never gave for the money any security or acknowledgment, nor considered himself indebted for it to Paxton or any other person.

Paxton being then examined, refused to return any answer to the question of the committee, because the answer might tend to accuse himself. Which reason was alleged by others for a like refusal.

The committee finding their inquiries eluded, by this plea for secrecy, which the laws of Britain allow to be valid, reported to the commons the obstacles that they met with; for the removal of which a bill was brought in like that of indemnity; which, having passed the commons, produced, in the house of lords, a debate, in which the greatest men of each party exerted the utmost force of their reason and eloquence.

The bill being read a second time, and a motion made for its being referred to a committee,

Lord CARTERET spoke to this effect:—My lords, as the question now before us is of the highest importance both to the present age and to posterity, as it may direct the proceedings of the courts of justice, prescribe the course of publick inquiries, and, by consequence, affect the

property or life of every lord in this assembly; I hope it will be debated amongst us without the acrimony which arises from the prejudice of party, or the violence which is produced by the desire of victory, and that the controversy will be animated by no other passion than zeal for justice, and love of truth.

For my part, my lords, I have reason to believe, that many professions of my sincerity will not be necessary on this occasion, because I shall not be easily suspected of any partiality in favour of the noble lord to whom this bill immediately relates. It is well known to your lordships how freely I have censured his conduct, and how invariably I have opposed those measures by which the nation has been so far exasperated, that the bill, now under our consideration, has been thought necessary by the commons, to pacify the general discontent, to restore the publick tranquillity, and to recover that confidence in the government, without which no happiness is to be expected, without which the best measures will always be obstructed by the people, and the justest remonstrances disregarded by the court.

But however laudable may be the end proposed by the commons, I cannot, my lords, be so far dazzled by the prospect of obtaining it, as not to examine the means to which we are invited to concur, and inquire with that attention which the honour of sitting in this house has made my duty, whether they are such as have been practised by our ancestors, such as are prescribed by the law, or warranted by prudence.

The caution, my lords, with which our ancestors have always proceeded in inquiries by which life or death, property or reputation, was endangered; the certainty, or at least the high degree of probability, which they required in evidence, to make it a sufficient ground of conviction, is universally known; nor is it necessary to show their opinion by particular examples, because, being no less solicitous for the welfare of their posterity than for their own, they were careful to record their sentiments in laws and statutes, and to prescribe, with the strongest sanctions, to

succeeding governments, what they had discovered by their own reflections, or been taught by their predecessors.

They considered, my lords, not only how great was the hardship of being unjustly condemned, but likewise how much a man might suffer by being falsely accused; how much he might be harassed by a prosecution, and how sensibly he might feel the disgrace of a trial. They knew that to be charged with guilt implied some degree of reproach, and that it gave room, at least, for an inference that the known conduct of the person accused was such as made it probable that he was still more wicked than he appeared; they knew that the credulity of some might admit the charge upon evidence that was rejected by the court, and that difference of party, or private quarrels, might provoke others to propagate reports once published, even when in their own opinion they were sufficiently confuted; and that, therefore, an innocent man might languish in infamy by a groundless charge, though he should escape any legal penalty.

It has, therefore, my lords, been immemorially established in this nation, that no man can be apprehended, or called into question for any crime till there shall be proof.

First, that there is a *corpus delicti,* a crime really and visibly committed; thus before a process can be issued out for inquiring after a murderer, it must be apparent that a murder has been perpetrated, the dead body must be exposed to a jury, and it must appear to them that he died by violence. It is not sufficient that a man is lost, and that it is probable that he is murdered, because no other reason of his absence can be assigned; he must be found with the marks of force upon him, or some circumstances that may make it credible, that he did not perish by accident, or his own hand.

It is required, secondly, my lords, that he who apprehends any person as guilty of the fact thus apparently committed, must suspect him to be the criminal; for he is not to take an opportunity, afforded him by the commission of an illegal act, to gratify any secret malice, or wanton curiosity; or to drag to a solemn examination, those against whom he cannot support an accusation.

And, my lords, that suspicion may not ravage the reputation of Britons without control; that men may not give way to the mere suggestions of malevolence, and load the characters of those with atrocious wickedness, whom, perhaps, they have no real reason to believe more depraved than the bulk of mankind, and whose failings may have been exaggerated in their eyes by contrariety of opinion, or accidental competition, it is required in the third place, my lords, that whoever apprehends or molests another on suspicion of a crime, shall be able to give the reasons of his suspicion, and to prove them by competent evidence.

These, my lords, are three essentials which the wisdom of our ancestors has made indispensable previous to the arrest or imprisonment of the meanest Briton; it must appear, that there is a crime committed, that the person to be seized is suspected of having committed it, and that the suspicion is founded upon probability. Requisites so reasonable in their own nature, so necessary to the protection of every man's quiet and reputation, and, by consequence, so useful to the security and happiness of society, that, I suppose, they will need no support or vindication. Every man is interested in the continuance of this method of proceeding, because no man is secure from suffering by the interruption or abolition of it.

Such, my lords, is the care and caution which the law directs in the first part of any criminal process, the detainment of the person supposed guilty; nor is the method of trial prescribed with less regard to the security of innocence.

It is an established maxim, that no man can be obliged to accuse himself, or to answer any questions which may have any tendency to discover what the nature of his defence requires to be concealed. His guilt must appear either by a voluntary and unconstrained confession, which the terrours of conscience have sometimes extorted, and the notoriety of the crime has at other times produced, or by the deposition of such witnesses as the jury shall think worthy of belief.

To the credibility of any witness it is always requisite that he be disinterested, that his own cause be not involved in that of the person who stands at the bar, that he has no

prospect of advancing his fortune, clearing his reputation, or securing his life. For it is made too plain by daily examples, that interest will prevail over the virtue of most men, and that it is not safe to believe those who are strongly tempted to deceive.

There are cases, my lords, where the interest of the person offering his evidence is so apparent; that he is not even admitted to be heard; and any benefit which may possibly be proposed, is admitted as an objection to evidence, and weakens it in a measure proportionate to the distance of the prospect and the degree of profit.

Such are the rules hitherto followed in criminal proceedings, the violation of which has been always censured as cruelty and oppression, and perhaps always been repented even by those who proposed and defended it, when the commotions of party have subsided, and the heat of opposition and resentment has given way to unprejudiced reflection.

Of these rules, my lords, it is not necessary to produce any defence from the practice of distant nations, because it is sufficient in the present case, that they are established by the constitution of this country, to which every Briton has a right to appeal; for how can any man defend his conduct, if having acted under one law, he is to be tried by another?

Let us, therefore, my lords, apply these rules to the present bill, and inquire what regard appears to have been paid to them by the commons, and how well we shall observe them by concurring in their design.

With respect to the first, by which it is required, that there be a known and manifest crime, it does not appear to have engaged the least attention in the other house; for no fact is specified in the bill, upon which a prosecution can be founded, and, therefore, to inquire after evidence is somewhat preposterous; it is nothing less than to invite men to give their opinion without a subject, and to answer without a question.

It may be urged, indeed, that there is a universal discontent over the whole nation; that the clamour against the person mentioned in the bill, has been continued for many

years; that the influence of the nation is impaired in foreign countries; that our treasury is exhausted; that our liberties have been attacked, our properties invaded, and our morals corrupted; but these are yet only rumours, without proof, and without legal certainty; which may, indeed, with great propriety give occasion to an inquiry, and, perhaps, by that inquiry some facts may be ascertained which may afford sufficient reasons for farther procedure.

But such, my lords, is the form of the bill now before us, that if it should pass into a statute, it would, in my opinion, put a stop to all future inquiry, by making those incapable of giving evidence, who have had most opportunities of knowing those transactions, which have given the chief occasion of suspicion, and from whom, therefore, the most important information must naturally be expected.

The first requisite qualification of a witness, whether we consult natural equity and reason, or the common law of our own country, is disinterestedness; an indifference, with regard to all outward circumstances, about the event of the trial at which his testimony is required. For he that is called as a witness where he is interested, is in reality giving evidence in his own cause.

But this qualification, my lords, the bill now before us manifestly takes away; for every man who shall appear against the person into whose conduct the commons are inquiring, evidently promotes, in the highest degree, his own interest by his evidence, as he may preclude all examination of his own behaviour, and secure the possession of that wealth which he has accumulated by fraud and oppression, or, perhaps, preserve that life which the justice of the nation might take away.

Nothing, my lords, is more obvious, than that this offer of indemnity may produce perjury and false accusation; nothing is more probable, than that he who is conscious of any atrocious villanies, which he cannot certainly secure from discovery, will snatch this opportunity of committing one crime more, to set himself free from the dread of punishment, and blot out his own guilt for ever, by charging lord Orford as one of his accomplices.

It may be urged, my lords, that he who shall give false

evidence, forfeits the indemnity to which the honest witness is entitled; but let us consider why this should be now, rather than in any former time, accounted a sufficient security against falsehood and perjury. It is at all times criminal, and at all times punishable, to commit perjury; and yet it has been hitherto thought necessary, not only to deter it by subsequent penalties, but to take away all previous temptations; no man's oath will be admitted in his own cause, though offered at the hazard of the punishment inflicted upon perjury. To offer indemnity to invite evidence, and to deter them from false accusations by the forfeiture of it, even though we should allow to the penal clause all the efficacy which can be expected by those who proposed it, is only to set one part of the bill at variance with the other, to erect and demolish at the same time.

But it may be proved, my lords, that the reward will have more influence than the penalty; and that every man who can reason upon the condition in which he is placed by this bill, will be more incited to accuse lord Orford, however unjustly, by the prospect of security, than intimidated by the forfeiture incurred by perjury.

For, let us suppose, my lords, a man whose conduct exposes him to punishment, and who knows that he shall not long be able to conceal it; what can be more apparently his interest, than to contrive such an accusation as may complicate his own wickedness with some transactions of the person to whom this bill relates? He may, indeed, be possibly confuted, and lose the benefit offered by the state; but the loss of it will not place him in a condition more dangerous than that which he was in before; he has already deserved all the severity to which perjury will expose him, and by forging a bold and well-connected calumny, he has at least a chance of escaping.

Let us suppose, my lords, that the bill now under our consideration, assigned a pecuniary reward to any man who should appear against this person, with a clause by which he that should accuse him falsely should be dismissed without his pay; would not this appear a method of prosecution contrary to law, and reason, and justice?

Would not every man immediately discover, that the witnesses were bribed, and therefore they would deserve no credit? And what is the difference between the advantage now offered and any other consideration, except that scarcely any other reward can be offered so great, and consequently so likely to influence?

It is to be remembered, that the patrons of this bill evidently call for testimony from the abandoned and the profligate, from men whom they suppose necessarily to confess their own crimes in their depositions; and surely wretches like these ought not to be solicited to perjury by the offer of a reward.

How cruel must all impartial spectators of the publick transactions account a prosecution like this? What would be your lordships' judgment, should you read, that in any distant age, or remote country, a man was condemned upon the evidence of persons publickly hired to accuse him, and who, by their own confession, were traitors to their country?

That wickedness, my lords, should be extirpated by severity, and justice rigorously exercised upon publick offenders, is the uncontroverted interest of every country; and therefore it is not to be doubted, that in all ages the reflections of the wisest men have been employed upon the most proper methods of detecting offences; and since the scheme now proposed has never been practised, or never but by the most oppressive tyrants, in the most flagitious times, it is evident, that it has been thought inconsistent with equity, and of a tendency contrary to publick happiness.

I am very far, my lords, from desiring that any breach of national trust should escape detection, or that a publick office should afford security to bribery, extortion, or corruption. I am far from intending to patronise the conduct of the person mentioned in the present bill. Let the commons proceed with the utmost severity, but let them not deviate from justice. If he has forfeited his fortune, his honours, or his life, let them by a legal process be taken from him; but let it always be considered, that he, like every other man, is to be allowed the common methods of

self-defence; that he is to stand or fall by the laws of his country, and to retain the privileges of a Briton, till it shall appear that he has forfeited them by his crimes.

To censure guilt, my lords, is undoubtedly necessary, and to inquire into the conduct of men in power, incontestably just; but by the laws both of heaven and earth, the means as well as the end are prescribed, *rectum recte, legitimum legitime faciendum*; we must not only propose a good end in our conduct, but must attain it by that method which equity directs, and the law prescribes.

How well, my lords, the law has been observed hitherto, on this occasion, I cannot but propose that your lordships should consider. It is well known, that the commons cannot claim a right to administer an oath, and therefore can only examine witnesses by simple interrogatories. That they cannot confer upon a committee the power which they have not themselves, is indubitably certain; and therefore it is evident, that they have exceeded their privileges, and proceeded in their inquiry by methods which the laws of this nation will not support.

That they cannot, my lords, in their own right administer an oath, they apparently confess, by the practice of calling in, on that occasion, a justice of the peace, who, as soon as he has performed his office, is expected to retire. This, my lords, is an evident elusion; for it is always intended, that he who gives an oath, gives it in consequence of his right to take the examination; but in this case the witness takes an oath, *coram non judice*, before a magistrate that has no power to interrogate him, and is interrogated by those who have no right to require his oath.

Such, my lords, is my opinion of the conduct of the committee of the house of commons, of whom I cannot but conclude that they have assumed a right which the constitution of our government confers only on your lordships, as a house of senate, a court of judicature; and therefore cannot think it prudent to confirm their proceedings by an approbation of this bill.

The commons may indeed imagine that the present state of affairs makes it necessary to proceed by extraordinary

methods; they may believe that the nation will not be satisfied without a discovery of those frauds which have been so long practised, and the punishment of those men by whom they have so long thought themselves betrayed and oppressed; but let us consider, that clamour is not evidence, and that we ought not either to recede from justice, or from our own rights, to satisfy the expectations of the people.

To remonstrate against this invasion of our privileges, my lords, might be at this juncture improper; the dispute might, in this time of commotion and vicissitude, distract the attention of those to whom the publick affairs are committed, retard the business of the nation, and give our enemies those advantages which they can never hope from their own courage, or policy, or strength. It may, therefore, be prudent on this occasion, only not to admit the right which they have assumed, to satisfy ourselves with retaining our privileges, without requiring any farther confirmation of them, and only defeat the invasion of them by rejecting the bill, which is, indeed, of such a kind, as cannot be confirmed without hazarding not only our own rights, but those of every Briton.

For here is a species of testimony invited, which is hitherto unknown to our law, and from which it may be difficult to tell who can be secure; the witnesses are required to disclose all matters relating to the conduct of *lord Orford, according to the best of their knowledge, remembrance, or belief!* A form of deposition, my lords, of great latitude; a man's belief may be influenced by the report of others who may deceive him, by his observation of circumstances, either remote in themselves, or imperfectly discovered, or by his own reasonings, which must be just or fallacious according to his abilities; but which must yet have the same effect upon his belief, which they will influence, not in proportion to their real strength, but to the confidence placed in them by himself.

There is only one case, my lords, in which, by the common course of proceedings, any regard is had to mere belief; and this evidence is only accepted on that occasion,

because no other can possibly be obtained. When any claim is to be determined by written evidences, of which, in order to prove their validity, it is necessary to inquire by whom they were drawn or signed; those who are acquainted with the writing of a dead person, are admitted to deliver, upon oath, their *belief* that the writing ascribed to him, was or was not his; but such secondary witnesses are never called, when the person can be produced whose hand is to be proved.

There is yet another reason for which it is improper to admit such evidence as this bill has a tendency to promote. It is well known, that in all the courts of common law, the person accused is in some degree secured from the danger of being overborne by false accusations, by the penalty which may be inflicted upon witnesses discovered to be perjured; but in the method of examination now proposed, a method unknown to the constitution, no such security can be obtained, for there is no provision made by the laws for the punishment of a man who shall give false evidence before a committee of the house of commons.

It may likewise be observed, that this bill wants one of the most essential properties of a law, perspicuity and determinate meaning; here is an indemnity promised to those who shall discover *all* that they *know, remember, or believe.* A very extensive demand, and which may, therefore, be liable to more fallacies and evasions than can be immediately enumerated or detected. For how can any one prove that he has a claim to the indemnity? He may, indeed, make some discoveries, but whether he does not conceal something, who can determine? May not such reserves be suspected, when his answers shall not satisfy the expectations of his interrogators? And may not that suspicion deprive him of the benefit of the act? May not a man, from want of memory, or presence of mind, omit something at his examination which he may appear afterwards to have known? And since no human being has the power of distinguishing exactly between faults and frailties, may not the defect of his memory be charged on him as a criminal suppression of a known fact? And may not he be

left to suffer the consequences of his own confession? Will not the bill give an apparent opportunity for partiality? And will not life and death, liberty and imprisonment, be placed in the hands of a committee of the commons? May they not be easily satisfied with informations of one man, and incessantly press another to farther discoveries? May they not call some men, notoriously criminal, to examination, only to secure them from punishment, and set them out of the reach of justice; and extort from others such answers as may best promote their views, by declaring themselves unsatisfied with the extent of their testimony? And will not this be an extortion of evidence equivalent to the methods practised in the most despotick governments, and the most barbarous nations?

It has always been the praise of this house to pay an equal regard to justice and to mercy, and to follow, without partiality, the direction of reason, and the light of truth; and how consistently with this character, which it ought to be our highest ambition to maintain, we can ratify the present bill, your lordships are this day to consider. It is to be inquired, whether to suppose a man guilty, only because some guilt is suspected, be agreeable to justice; and whether it be rational before there is any proof of a crime, to point out the criminal.

We are to consider, my lords, whether it is not unjust to hear, against any man, an evidence who is hired to accuse him, and hired with a reward which he cannot receive without confessing himself a man unworthy of belief.

It is to be inquired, whether the evidence of a man who declares only what he *believes*, ought to be admitted, when the nature of the crimes allows stronger proof; and whether any man ought to be examined where he cannot be punished if he be found perjured.

A natural and just regard to our own rights, on the preservation of which the continuance of the constitution must depend, ought to alarm us at the appearance of any attempt to invade them; and the necessity of known forms of justice, ought to incite us to the prevention of any innovation in the methods of prosecuting offenders.

For my own part, my lords, I cannot approve either the principles or form of the bill. I think it necessary to proceed by known precedents, when there is no immediate danger that requires extraordinary measures, of which I am far from being convinced that they are necessary on the present occasion. I think that the certainty of a crime ought to precede the prosecution of a criminal, and I see that there is, in the present case, no crime attempted to be proved. The commons have, in my opinion, already exceeded their privileges, and I would not willingly confirm their new claims. For these reasons, my lords, I openly declare, that I cannot agree to the bill's being read a second time.

Lord TALBOT spoke next, to this effect:—My lords, so high is my veneration for this great assembly, that it is never without the utmost efforts of resolution that I can prevail upon myself to give my sentiments upon any question that is the subject of debate, however strong may be my conviction, or however ardent my zeal.

But in a very particular degree do I distrust my own abilities, when I find my opinion contrary to that of the noble lord who has now spoken; and it is no common perplexity to be reduced to the difficult choice of either suppressing my thoughts, or exposing them to so disadvantageous a contrast.

Yet, since such is my present state, that I cannot avoid a declaration of my thoughts on this question, without being condemned in my own breast as a deserter of my country, nor utter them without the danger of becoming contemptible in the eyes of your lordships; I will, however, follow my conscience, rather than my interest; and though I should lose any part of my little reputation, I shall find an ample recompense from the consciousness that I lost it in the discharge of my duty, on an occasion which requires from every good man the hazard of his life.

The arguments of the noble lord have had upon me an effect which they never, perhaps, produced on any part of his audience before; they have confirmed me in the contrary opinion to that which he has endeavoured to main-

tain. It has been remarked, that in some encounters, not to be put to flight is to obtain the victory; and, in a controversy with the noble lord, not to be convinced by him, is to receive a sufficient proof that the cause in which he is engaged is not to be defended by wit, eloquence, or learning.

On the present question, my lords, as on all others, he has produced all that can be urged, either from the knowledge of past ages, or experience of the present; all that the scholar or the statesman can supply has been accumulated, one argument has been added to another, and all the powers of a great capacity have been employed, only to show that right and wrong cannot be confounded, and that fallacy can never strike with the force of truth.

When I survey the arguments of the noble lord, disrobed of those ornaments which his imagination has so liberally bestowed upon them, I am surprised at the momentary effect which they had upon my mind, and which they could not have produced had they been clothed in the language of any other person.

For when I recollect, singly, the particular positions upon which his opinion seems to be founded, I do not find them by any means uncontrovertible; some of them seem at best uncertain, and some evidently mistaken.

That there is no apparent crime committed, and that, therefore, no legal inquiry can be made after the criminal, I cannot hear without astonishment. Is our commerce ruined, are our troops destroyed, are the morals of the people vitiated, is the senate crowded with dependants, are our fleets disarmed, our allies betrayed, and our enemies supported without a crime? Was there no certainty of any crime committed, when it was moved to petition his majesty to dismiss this person from his councils for ever.

It has been observed, my lords, that nothing but a sight of the dead body can warrant a pursuit after the murderer; but this is a concession sufficient for the present purpose; for if, upon the sight of a murdered person, the murderer may lawfully be inquired after, and those who are reasonably suspected detained and examined; with equal reason, my lords, may the survey of a ruined nation, a na-

tion oppressed with burdensome taxes, devoured by the caterpillars of a standing army, sunk into contempt in every foreign court, and repining at the daily decay of its commerce, and the daily multiplication of its oppressors, incite us to an inquiry after the author of its miseries.

It is asserted, that no man ought to be called into question for any crime, who is not suspected of having committed it. This, my lords, is a rule not only reasonable in itself, but so naturally observed, that I believe it was never yet broken; and am certain, no man will be charged with the violation of it, for accusing this person as an enemy to his country.

But he that declares his suspicion, may be called upon to discover upon what facts it is founded; nor will this part of the law produce any difficulty in the present case; for as every man in the nation suspects this person of the most enormous crimes, every man can produce sufficient arguments to justify his opinion.

On all other occasions, my lords, publick fame is allowed some weight: that any man is universally accounted wicked, will add strength to the testimony brought against him for any particular offence; and it is at least a sufficient reason for calling any man to examination, that a crime is committed, and he is generally reported to be the author of it.

That this is the state of the person into whose conduct the commons are now inquiring; that he is censured by every man in the kingdom, whose sentiments are not repressed by visible influence; that he has no friends but those who have sold their integrity for the plunder of the publick; and that all who are not enemies to their country, have, for many years, incessantly struggled to drag him down from the pinnacle of power, and expose him to that punishment which he has so long deserved, and so long defied, is evident beyond contradiction.

Let it not, therefore, be urged, my lords, that there is no certainty of a crime which is proved to the conviction of every honest mind; let it not be said that it is unrea-

sonable to suspect this man, whom the voice of the people, a voice always to be reverenced, has so long condemned.

The method of procuring evidence against him by an act of indemnity has been represented by the noble lord as not agreeable to justice or to law: in the knowledge of the law I am far from imagining myself able to contend with him; but I think it may not be improper to observe, that a person of the highest eminence in that profession, whose long study and great abilities give his decisions an uncommon claim to authority and veneration, and who was always considered in this house with the highest regard, appears to have entertained a very different opinion.

It was declared by him, without the least restriction, that all means were lawful which tended to the discovery of truth; and, therefore, the publick may justly expect that extraordinary methods should be used upon occasions of uncommon importance.

Nor does this expedient appear to me very remote from the daily practice of promising pardon to thieves, on condition that they will make discoveries by which their confederates may be brought to justice.

If we examine only the equity of this procedure, without regard to the examples of former times, it appears to me easily defensible; for what can be more rational than to break a confederacy of wretches combined for the destruction of the happiness of mankind, by dividing their interest, and making use, for the publick good, of that regard for their own safety, which has swallowed up every other principle of action?

It is admitted that wickedness ought to be punished, and it is universally known that punishment must be preceded by detection; any method, therefore, that promotes the discovery of crimes may be considered as advantageous to the publick.

As there is no wickedness of which the pernicious consequences are more extensive, there is none which ought more diligently to be prevented, or more severely punished, than that of those men who have dared to abuse

the power which their country has put into their hands; but how they can be convicted by any other means than those which are now proposed, I confess myself unable to discover; for by a very small degree of artifice, a man invested with power may make every witness a partner of his guilt, and no man will be able to accuse him, without betraying himself. In the present case it is evident, that the person of whose actions the bill now before us is designed to produce a more perfect discovery, has been combined with others in illegal measures, in measures which their own security obliges them to conceal, and which, therefore, the interest of the publick demands to be divulged.

That Paxton has distributed large sums for purposes which he dares not discover, we are informed by the reports of the secret committee; and I suppose every body suspects that they were distributed as rewards for services which the nation thinks not very meritorious, and I believe no man will ask what reason can be alleged for such suspicions.

But since it may be possibly suggested that Paxton expended these sums contrary to his master's direction, or without his knowledge, it may be demanded, whether such an assertion would not be an apparent proof of a very criminal degree of negligence in a man intrusted with the care of the publick treasure?

Thus, my lords, it appears in my opinion evident, that either he has concurred in measures which his servile agent, the mercenary tool of wickedness, is afraid to confess, or that he has stood by, negligent of his trust, and suffered the treasure of the nation to be squandered by the meanest wretches without account.

That the latter part of the accusation is undoubtedly just, the report of the commons cannot but convince us. It appears that for near eight years, Paxton was so high in confidence, that no account was demanded from him; he bestowed pensions at pleasure; he was surrounded, like his master, by his idolaters; and after the fatigue of cringing in one place, had an opportunity of purchasing

with the taxes of the nation, the gratification of tyranny in another.

I presume, my lords, that no man dares assert such a flagrant neglect of so important an office, to be not criminal in a very high degree; to steal in private houses that which is received in trust, is felony by the statutes of our country; and surely the wealth of the publick ought not to be less secured than that of individuals, nor ought he that connives at robbery to be treated with more lenity than the robber.

Therefore, my lords, as I cannot but approve of the bill, I move that it may be read a second time; and I hope the reasons which I have offered, when joined with others, which I expect to hear from lords of a greater experience, knowledge, and capacity, will induce your lordships to be of the same opinion.

Lord HERVEY spoke next, to this effect:—My lords, as the bill now before us is of a new kind, upon an occasion no less new, I have endeavoured to bestow upon it a proportionate degree of attention, and have considered it in all the lights in which I could place it; I have, in my imagination, connected with it all the circumstances with which it is accompanied, and all the consequences that it may produce either to the present age, or to futurity; but the longer I reflect upon it, the more firmly am I determined to oppose it; nor has deliberation any other effect, than to crowd my thoughts with new arguments against it, and to heighten dislike to detestation.

It must, my lords, immediately occur to every man, at the first mention of the method of proceeding now proposed, that it is such as nothing but extreme necessity can vindicate; that the noble person against whom it is contrived, must be a monster burdensome to the world; that his crimes must be at once publick and enormous, and that he has been already condemned by all maxims of justice, though he has had the subtilty to escape by some unforeseen defect in the forms of law. It might be imagined, my lords, that there were the most evident marks of guilt in the conduct of the man thus censured, that he fled from

the justice of his country, that he had openly suborned witnesses in his favour, or had, by some artifice certainly known, obstructed the evidence that was to have been brought against him. It might at least be reasonably conceived, that his crimes were of such a kind as might in their own nature easily be concealed, and that, therefore, some extraordinary measures were necessary for the discovery of wickedness which lay out of the reach of common inquiry.

But, my lords, none of these circumstances can be now alleged; for there is no certainty of any crime committed, nor any appearance of consciousness or fear in the person accused, who sets his enemies at defiance in full security, and declines no legal trial of his past actions; of which it ought to be observed, that they have, by the nature of his employments, been so publick, that they may easily be examined without recourse to a new law to facilitate discoveries.

The bill, therefore, is, my lords, at least unnecessary, and an innovation not necessary ought always to be rejected, because no man can foresee all the consequences of new measures, or can know what evils they may create, or what subsequent changes they may introduce. The alteration of one part of a system naturally requires the alteration of another.

But, my lords, that there is no necessity for this law now proposed, is not the strongest argument that may be brought against it, for there is in reality a necessity that it should be rejected. Justice and humanity are necessarily to be supported, without which no society can subsist, nor the life or property of any man be enjoyed with security: and neither justice nor humanity can truly be said to reside, where a law like this has met with approbation.

My lords, to prosecute any man by such methods, is to overbear him by the violence of power, to take from him all the securities of innocence, and divest him of all the means of self-defence. It is to hire against him those whose testimonies ought not to be admitted, if they were voluntarily produced, and of which, surely, nothing will be

farther necessary to annihilate the validity, than to observe that they are the depositions of men who are villains by their own confession, and of whom the nation sees, that they may save their lives by a bold accusation, whether true or false.

That the bill will, indeed, be effectual to the purposes designed, that it will crowd the courts of justice with evidence, and open scenes of wickedness never discovered before, I can readily believe; for I cannot imagine that any man who has exposed his life by any flagrant crime, will miss so fair an opportunity of saving it by another. I shall expect, my lords, that villains of all denominations, who are now skulking in private retreats, who are eluding the officers of justice, or flying before the publick pursuit of the country, will secure themselves by this easy expedient; and that housebreakers, highwaymen, and pickpockets, will come up in crowds to the bar, charge the earl of Orford as their accomplice, and plead this bill as a security against all inquiry.

That this supposition, however wild and exaggerated it may seem, may not be thought altogether chimerical; that it may appear with how little consideration this bill has been drawn, and how easily it may be perverted to the patronage of wickedness, I will lay before your lordships such a plea as may probably be produced by it.

A man whom the consciousness of murder has for some time kept in continual terrours, may clear himself for ever, by alleging, that he was commissioned by the earl of Orford to engage, with any certain sum, the vote or interest of the murdered person; that he took the opportunity of a solitary place to offer him the bribe, and prevail upon him to comply with his proposals; but that finding him obstinate and perverse, filled with prejudices against a wise and just administration, and inclined to obstruct the measures of the government, he for some time expostulated with him; and being provoked by his contumelious representations of the state of affairs, he could no longer restrain the ardour of his loyalty, but thought it proper to remove from the world a man so much inclined to spread

sedition among the people; and that, therefore, finding the place convenient, he suddenly rushed upon him and cut his throat.

Thus, my lords, might the murderer represent his case, perhaps, without any possibility of a legal confutation; thus might the most atrocious villanies escape censure, by the assistance of impudence and cunning.

A bill like this, my lords, is nothing less than a proscription; the head of a citizen is apparently set to sale, and evidence is hired, by which the innocent and the guilty may be destroyed with equal facility.

It is apparent, my lords, that they by whom this bill is proposed, act upon the supposition that the noble person mentioned in it, is guilty of all those crimes of which he is suspected; a supposition, my lords, which it is unjust to make, and to which neither reason, nor the laws of our country, will give countenance or support.

I, my lords, will much more equitably suppose him innocent; I will suppose that he has, throughout all the years of his administration, steadily prosecuted the best ends, by the best means; that if he has sometimes been mistaken or disappointed, it has been neither by his negligence nor ignorance, but by false intelligence, or accidents not to be foreseen; and that he has never either sacrificed his country to private interest, or procured, by any illegal methods, the assistance and support of the legislature; and I will ask your lordships, whether, if this character be just, the bill ought to be passed, and doubt not but every man's conscience will inform him, that it ought to be rejected with the utmost indignation.

The reason, my lords, for which it ought to be rejected, is evidently this, that it may bring innocence into danger. But, my lords, every man before his trial is to be supposed innocent, and, therefore, no man ought to be exposed to the hazards of a trial, by which virtue and wickedness are reduced to a level. A bill like this ought to be marked out as the utmost effort of malice, as a species of cruelty never known before, and as a method of prosecution which this house has censured.

I did not, indeed, expect from those who have so long clamoured with incessant vehemence against the measures of the ministry, such an open confession of their own weakness. Nothing, my lords, was so frequently urged, or so warmly exaggerated, as the impossibility of procuring evidence against a man in power; nothing was more confidently asserted, than that his guilt would be easily proved when his authority was at an end; and that even his own agents would readily detect him, when they were no longer dependant upon his favour.

The time, my lords, so long expected, and so ardently desired, is at length come; this noble person whom they have so long pursued with declamations, invectives, and general reproaches, has at length resigned those offices which set him above punishment or trial; he is now without any other security than that by which every other man is sheltered from oppression, the publick protection of the laws of his country; but he is yet found impregnable, he is yet able to set his enemies at defiance; and they have, therefore, now, with great sagacity, contrived a method by which he may be divested of the common privileges of a social being, and may be hunted like a wild beast, without defence, and without pity.

Where, my lords, can it be expected that malice like this will find an end? Is it not reasonable to imagine that if they should be gratified in this demand, and should find even this expedient baffled by the abilities which they have so often encountered without success, they would proceed to measures yet more atrocious, and punish him without evidence, whom they call to a trial without a crime.

It has been observed by the noble lord who spoke last, that there are crimes mentioned in the report of the secret committee of the house of commons, or that at least such facts are asserted in it, that an accusation may, by easy deductions, be formed from them. The report of that committee, my lords, with whatever veneration it may be mentioned, by those whose purposes it happens to favour, or of whatever importance it may be in the other house, is here nothing but a pamphlet, not to be regarded as an evi-

dence, or quoted as a writing of authority. It is only an account of facts of which we know not how they were collected, and which every one may admit or reject at his own choice, till they are ascertained by proper evidence at our own bar, and which, therefore, ought not to influence our opinion in the present debate.

Nor is the bill, my lords, only founded upon principles inconsistent with the constitution of this nation, apparently tending to the introduction of a new species of oppression, but is in itself such as cannot be ratified without injury to the honour of this great assembly.

In examining the bill, my lords, I think it not necessary to dwell upon the more minute and trivial defects of the orthography and expression, though they are such as might justly give occasion for suspecting that they by whom it was written, were no less strangers to our language than to our constitution. There are errours or falsehoods which it more nearly concerns us to detect, and to which we cannot give any sanction, without an evident diminution of our own authority.

It declares, my lords, that there is now an inquiry depending before the senate, an assertion evidently false, for the inquiry is only before the commons. Whether this was inserted by mistake or design, whether it was intended to insinuate that the whole senatorial power was comprised in the house of commons, or to persuade the nation that your lordships concurred with them in this inquiry, it is not possible to determine; but since it is false in either sense, it ought not to receive our confirmation.

If we should pass the bill in its present state, we should not only declare our approbation of the measures hitherto pursued by the commons, by which it has been already proved, by the noble and learned lord who spoke first against the bill, that they have not only violated the law, but invaded the privileges of this house. We should not only establish for ever in a committee of the house of commons, the power of examining upon oath, by an elusive and equivocatory expedient, but we should in effect vote away our own existence, give up at once all authority in the go-

vernment, and grant them an unlimited power, by acknowledging them the senate, an acknowledgment which might, in a very short time, be quoted against us, and from which it would not be easy for us to extricate ourselves.

It has, indeed, been remarked, that there is a large sum of money disbursed without account, and the publick is represented as apparently injured, either by fraud or negligence; but it is not remembered that none but his majesty has a right to inquire into the distribution of the revenue appropriated to the support of his family and dignity, and the payment of his servants, and which, therefore, cannot, in any degree, be called publick money, or fall under the cognizance of those whom it concerns to inspect the national accounts. Either the civil list must be exempt from inquiries, or his majesty must be reduced to a state below that of the meanest of his subjects; he can enjoy neither freedom nor property, and must be debarred for ever from those blessings which he is incessantly labouring to secure to others.

There is, likewise, another consideration, which my regard for the honour of this assembly suggested to me, and of which I doubt not but that all your lordships will allow the importance. The noble person who is pointed out in this bill as a publick criminal, and whom all the villains of the kingdom are invited to accuse, is invested with the same honours as ourselves, and has a son who has for many years possessed a seat amongst us; let us not, therefore, concur with the commons to load our own house with infamy, and to propagate reproach, which will at last fix upon ourselves.

Innumerable are the objections, my lords, which might yet be urged, and urged without any possibility of reply; but as I have already been heard with so much patience, I think what has been already mentioned sufficient to determine the question: and as I doubt not but the other defects and absurdities will be observed, if it be necessary, by some other lords, I shall presume only to add, that as the bill appears to me contrary to the laws of this nation, to the common justice of society, and to the general rea-

son of mankind, as it must naturally establish a precedent of oppression, and confirm a species of authority in the other house which was either never claimed before, or always denied; as I think the most notorious and publick criminal ought not to be deprived of that method of defence which the established customs of our country allow him, and believe the person mentioned in this bill to deserve rather applauses and rewards, than censures and punishments, I think myself obliged to oppose it, and hope to find your lordships unanimous in the same opinion.

Then the duke of ARGYLE answered, in substance as follows:—My lords, whatever may be the fate of this question, I have little hope that it will be unanimously decided, because I have reason to fear that some lords have conceived prejudices against the bill, which hinder them from discovering either its reasonableness or its necessity; and am convinced that others who approve the bill, can support their opinion by arguments from which, as they cannot be confuted, they never will recede.

Those arguments which have influenced my opinion, I will lay before your lordships, and doubt not of showing that I am very far from giving way to personal malice, or the prejudices of opposition; and that I regard only the voice of reason, and the call of the nation.

Calmness and impartiality, my lords, have been, with great propriety, recommended to us by the noble lord who spoke first in this debate; and I hope he will discover by the moderation with which I shall deliver my sentiments on this occasion, how much I reverence his precepts, and how willingly I yield to his authority.

I am at least certain, that I have hitherto listened to the arguments that have been offered on either side with an attention void of prejudice; I have repressed no motions of conviction, nor abstracted my mind from any difficulty, to avoid the labour of solving it: I have been solicitous to survey every position in its whole extent, and trace it to its remotest consequences; I have assisted the arguments against the bill by favourable suppositions, and imaginary circumstances, and have endeavoured to divest my

own opinion of some appendant and accidental advantages, that I might view it in a state less likely to attract regard; and yet I cannot find any reason by which I could justify myself to my country or my conscience, if I should concur in rejecting this bill, or should not endeavour to promote it.

I am not unacquainted, my lords, with the difficulties that obstruct the knowledge of our own hearts, and cannot deny that inclination may be sometimes mistaken for conviction; and men even wise and honest, may imagine themselves to believe what, in reality, they only wish: but this, my lords, can only happen for want of attention, or on sudden emergencies, when it is necessary to determine with little consideration, while the passions have not yet time to subside, and reason is yet struggling with the emotions of desire.

In other circumstances, my lords, I am convinced that no man imposes on himself without conniving at the fraud, without consciousness that he admits an opinion which he has not well examined, and without consulting indolence rather than reason; and, therefore, my lords, I can with confidence affirm, that I now declare my real opinion, and that if I err, I err only for want of abilities to discover the truth; and hope it will appear to your lordships, that I have been misled at least by specious arguments, and deceived by fallacious appearances, which it is no reproach not to have been able to detect.

It will, my lords, be granted, I suppose, without hesitation, that the law is consistent with itself; that it never at the same time commands and prohibits the same action; that it cannot be at once violated and observed. From thence it will inevitably follow, that where the circumstances of any transaction are such, that the principles of that law by which it is cognizable are opposite to each other, some expedients may be found by which these circumstances may be altered. Otherwise a subtle or powerful delinquent will always find shelter in ambiguities, and the law will remain inactive, like a balance loaded equally on each side.

On the present occasion, my lords, I pronounce with the

utmost confidence, as a maxim of indubitable certainty, *that the publick has a claim to every man's evidence*, and that no man can plead exemption from this duty to his country. But those whom false gratitude, or contracted notions of their own interest, or fear of being entangled in the snares of examination, prompt to disappoint the justice of the publick, urge with equal vehemence, and, indeed, with equal truth, that *no man is obliged to accuse himself*, and that the constitution of Britain allows no man's evidence to be extorted from him to his own destruction.

Thus, my lords, two of the first principles of the British law, though maxims equally important, equally certain, and equally to be preserved from the least appearance of violation, are contradictory to each other, and neither can be obeyed, because neither can be infringed.

How then, my lords, is this contradiction to be reconciled, and the necessity avoided of breaking the law on one side or the other, but by the method now proposed, of setting those whose evidence is required, free from the danger which they may incur by giving it.

The end of the law is the redress of wrong, the protection of right, and the preservation of happiness; and the law is so far imperfect as it fails to produce the end for which it is instituted; and where any imperfection is discovered, it is the province of the legislature to supply it.

By the experience, my lords, of one generation after another, by the continued application of successive ages, was our law brought to its present accuracy. As new combinations of circumstances, or unforeseen artifices of evasion, discovered to our ancestors the insufficiency of former provisions, new expedients were invented; and as wickedness improved its subtilty, the law multiplied its powers and extended its vigilance.

If I should, therefore, allow, what has been urged, that there is no precedent of a bill like this, what can be inferred from it, but that wickedness has found a shelter that was never discovered before, and which must be forced by a new method of attack? And what then are we required to do more than has been always done by our ancestors, on a thousand occasions of far less importance?

I know not, my lords, whether it be possible to imagine an emergence that can more evidently require the interposition of the legislative power, than this which is now proposed to your consideration. The nation has been betrayed in peace, and disgraced in war; the constitution has been openly invaded, the votes of the commons set publickly to sale, the treasures of the publick have been squandered to purchase security to those by whom it was oppressed, the people are exasperated to madness, the commons have begun the inquiry that has been for more than twenty years demanded and eluded, and justice is on a sudden insuperably retarded by the deficiency of the law.

Surely, my lords, this is an occasion that may justify the exertion of unusual powers, and yet nothing either new or unusual is required; for the bill now proposed may be supported both by precedents of occasional laws, and parallel statutes of lasting obligation.

When frauds have been committed by the agents of trading companies, bills of indemnity to those by whom any discoveries should be made, have been proposed and passed without any of those dreadful consequences which some noble lords have foreseen in this. I have never heard that any man was so stupid as to mistake such a bill for a general act of grace, or that the confession of any crimes was procured by it, except of those which it was intended to detect; I have never been informed, that any murderer was blessed with the acuteness of the noble lord, or thought of flying to such an act as to a common shelter for villany. Such suppositions, my lords, can be intended only to prolong a controversy and weary an opponent; nor can such trifling exaggerations contribute to any other end, than of discovering the fertility of imagination, and the exuberance of eloquence.

For my part, my lords, I think passion and negligence equally culpable in a debate like this; and cannot forbear to recommend seriousness and attention, with the same zeal with which moderation and impartiality have already been inculcated. He that entirely disregards the question in debate, who thinks it too trivial for a serious discussion, and speaks upon it with the same superficial gaiety with

which he would relate the change of a fashion, or the incidents of a ball, is not very likely, either to discover or propagate the truth; and is less to be pardoned, than he who is betrayed by passion into absurdities, as it is less criminal to injure our country by zeal than by contempt.

That bills, without any essential difference from that which is now before us, have been passed in favour of private companies, is indisputably certain; it is certain that they never produced any other effect, than such as were expected from them by those who promoted them. It is evident, that the welfare of the nation is more worthy of our regard than any separate company; that the whole, of more importance than a part; and therefore, the same measures may be now used with far greater justice, and with equal probability of success.

The necessity of the law now proposed, my lords, cannot more plainly appear, than by reflecting on the absurdity of the pleas made use of for refusing it, which, considered in the whole, contain only this assertion, that the security of one man is to be preferred to justice, to truth, to publick felicity; that a precedent is rather to be established, which will for ever shelter every future minister from the laws of our country; and that all our miseries are rather to be borne in silence, or lamented in impotence, than the man, whom the whole nation agrees to accuse as the author of them, should be exposed to the hazard of a trial, even before those whom every tie of interest and long-continued affection has united to him.

It is, indeed, objected, that by passing this bill, we shall transfer the authority of trying him to the other house; that we shall give up our privileges for ever, erect a new court of judicature, and overturn the constitution.

I have long observed, my lords, how vain it is to argue against those whose resolutions are determined by extrinsick motives, and have been long acquainted with the art of disguising obstinacy, by an appearance of reasons that have no weight, even in the opinion of him by whom they are offered, and of raising clouds of objections, which, by the first reply, will certainly be dissipated, but which, at least,

fill the mouth for a time, and preserve the disputant from the reproach of adhering to an opinion, in vindication of which he had nothing to say.

Of this kind is the objection which I am now to remove, though I remove it only to make way for another, for those can never be silenced who can satisfy themselves with arguments like this; however, those that offer it expect it should be answered, and if it should be passed over in the debate, will boast of its irrefragability, and imagine that they have gained the victory by the superiority of their abilities, rather than of their numbers.

That we shall, by passing this bill, give the commons a power which they want at present, is unquestionably evident; but we shall only retrieve that which they were never known to want before, the power of producing evidence; evidence which we, my lords, must hear, and of whose testimonies we shall reserve the judgment to ourselves. The commons will only act as prosecutors, a character in which they were never conceived to encroach upon our right. The man whose conduct is the subject of inquiry, must stand his trial at our bar; nor has the bill any other tendency, than to enable the commons to bring him to it.

What can be alleged against this design I know not; because I can discover no objections which do not imply guilt, and guilt we are not yet at liberty to suppose. I am so far from pressing this bill from any motives of personal malevolence, that I am only doing, in the case of the minister, what I should ardently desire to be done in my own, and what no man would wish to obstruct, who was supported by a consciousness of integrity, and stimulated by that honest sense of reputation which I have always found the concomitant of innocence.

I hope I shall be readily believed by your lordships, when I assert, once more, that I should not only forbear all opposition to a bill intended to produce a scrutiny into my conduct, but that I should promote it with all my interest, and solicit all my friends to expedite and support it; for there was once a time, my lords, in which my behaviour was brought to the test, a time when no expedient was for-

gotten by which I might be oppressed, nor any method untried to procure accusations against me.

Whether the present case in every circumstance will stand exactly parallel to mine, I am very far from presuming to determine. I had served my country with industry, fidelity, and success, and had received the illustrious testimony of my conduct, the publick thanks of this house. I was conscious of no crime, nor had gratified, in my services, any other passion than my zeal for the publick. I saw myself ignominiously discarded, and attacked by every method of calumny and reproach. Nor was the malice of my enemies satisfied with destroying my reputation without impairing my fortune: for this purpose a prosecution was projected, a wretch was found out who engaged to accuse me, and received his pardon for no other purpose; nor did I make any opposition to it in this house, though I knew the intent with which it was procured, and was informed that part of my estate was allotted him to harden his heart, and strengthen his assertions.

This, my lords, is surely a precedent which I have a right to quote, and which will vindicate me to your lordships from the imputation of partiality and malignity; since it is apparent, that I do only in the case of another, what I willingly submitted to, when an inquiry was making into my conduct.

But, my lords, this is far from being the only precedent which may be pleaded in favour of this bill; a bill which, in reality, concurs with the general and regular practice of the established law, as will appear to every one that compares it with the eighth section of the act for preventing bribery; in which it is established as a perpetual law, that he who, having taken a bribe, shall, within twelve months, inform against him that gave it, shall be received as an evidence, and be indemnified from all the consequences of his discovery.

To these arguments of reason and precedent, I will add one of a more prevalent kind, drawn from motives of interest, which surely would direct our ministers to favour the inquiry, and promote every expedient that might produce

a complete discussion of the publick affairs; since they would show, that they are not afraid of the most rigorous scrutiny, and are above any fears that the precedent which they are now establishing may revolve upon themselves.

To elude the ratification of this bill, it was at first urged that there was no proof of any crime; and when it was shown, that there was an apparent misapplication of the publick money, it became necessary to determine upon a more hardy assertion, and to silence malicious reasoners, by showing them how little their arguments would be regarded. It then was denied, with a spirit worthy of the cause in which it was exerted, that the civil list was publick money.

Disputants like these, my lords, are not born to be confuted; it would be to little purpose that any man should ask, whether the money allotted for the civil list was not granted by the publick, and whether publick grants did not produce publick money; it would be without any effect, that the uses for which that grant is made should be enumerated, and the misapplication of it openly proved; a distinction, or at least a negative, would be always at hand, and obstinacy and interest would turn argument aside.

Upon what principles, my lords, we can now call out for a proof of crimes, and proceed in the debate as if no just reason of suspicion had appeared, I am not able to conjecture; here is, in my opinion, if not demonstrative proof, yet the strongest presumption of one of the greatest crimes of which any man can be guilty, the propagation of wickedness, of the most atrocious breach of trust which can be charged upon a British minister, a deliberate traffick for the liberties of his country.

Of these enormous villanies, however difficult it may now seem to disengage him from them, I hope we shall see reason to acquit him at the bar of this house, at which, if he be innocent, he ought to be desirous of appearing; nor do his friends consult his honour, by endeavouring to withhold him from it; if they, indeed, believe him guilty, they may then easily justify their conduct to him, but the world will, perhaps, require a more publick vindication.

These, my lords, are the arguments which have influenced me hitherto to approve the bill now before us, and which will continue their prevalence, till I shall hear them confuted; and, surely, if they are not altogether unanswerable, they are surely of so much importance, that the bill for which they have been produced, must be allowed to deserve, at least, a deliberate examination, and may very justly be referred to a committee, in which ambiguities may be removed, and inadvertencies corrected.

Lord CHOLMONDELEY spoke next, to the following purpose:—My lords, this bill is, in my opinion, so far from deserving approbation, that I am in doubt whether I should retard the determination of the house, by laying before you the reasons which influence me in this debate; nor, indeed, could I prevail upon myself to enter into a formal discussion of a question, on which I should have imagined that all mankind would have been of one opinion, did not my reverence of the abilities of those noble lords who have spoken in defence of the bill, incline me, even against the conviction of my own reason, to suspect that arguments may be offered in its favour, which I have not yet been able to discover; and that those which have been produced, however inconclusive they have seemed, will operate more powerfully when they are more fully displayed, and better understood.

For this reason I shall lay before your lordships the objections which arose in my mind when the bill was first laid before us, and which have rather been strengthened than invalidated by the subsequent debate.

It appears, my lords, evident to me, that every man has a right to be tried by the known laws of his country; that no man can be justly punished by a law made after the commission of a fact, because he then suffers by a law, against which he never transgressed; nor is any man to be prosecuted by methods invented only to facilitate his condemnation, because he ought to be acquitted, however guilty he may be supposed, whom the established rules of justice cannot convict. The law, my lords, is the measure of political, as conscience of moral right; and he that

breaks no law, may indeed be criminal, but is not punishable. The law likewise prescribes the method of prosecuting guilt; and as we, by omitting any crime in our laws, disable ourselves from punishing it, however publick or flagrant, so by regulating the process in our courts of justice, we give security to that guilt, which by that process cannot be detected.

The truth of this assertion, my lords, however paradoxical it may perhaps appear, will become evident, if we suppose a man brought to the bar whose guilt was unquestionable, though it could not be legally proved, because all those were dead who might have appeared against him. It is certain that his good fortune would give him no claim to pardon, and yet he could not be convicted, unless we suppose him weak enough to accuse himself. In this case, my lords, it is not impossible, that some might be prompted by their zeal to propose, that the foreign methods of justice might be introduced, and the rack employed to extort, from his own mouth, a confession of those crimes of which every one believed him guilty.

With what horrour, my lords, such a proposal would be heard, how loudly it would be censured, and how universally rejected, I need not say; but must observe, that, in my opinion, the detestation would arise principally from a sense of the injustice of exposing any man to peculiar hardships, and distinguishing him to his disadvantage from the rest of the community.

It will, my lords, not be easy to prove, that it is less agreeable to justice to oblige a man to accuse himself, than to make use of extraordinary methods of procuring evidence against him; because the barriers of security which the law has fixed are equally broken in either case, and the accused is exposed to dangers, from which he had reason to believe himself sheltered by the constitution of his country.

This argument, my lords, I have mentioned, without endeavouring to evince the innocence of the person whom this bill immediately regards; because the intent of it is to show, that no man is to be deprived of the common bene-

fits of the constitution, and that the guilty have a right to all the advantages which the law allows them. For guilt is never to be supposed till it is proved, and it is therefore never to be proved by new methods, merely because it is supposed.

That the method of procuring evidence now proposed, is new, my lords, I think it no temerity to conclude; because the noble lords who have endeavoured to defend it, have produced no instance of a parallel practice, and their knowledge and acuteness is such, that they can only have failed to discover them, because they are indeed nowhere to be found.

In the case of bribery, my lords, the person accused has the privilege, if he be innocent, of prosecuting his accuser for perjury, and is therefore in less danger of being harassed by a false indictment. But, my lords, this is not the only difference between the two cases; for he that discovers a bribe received by himself, has no motives of interest to prompt his evidence; he is only secured from suffering by his own discovery, and might have been equally safe by silence and secrecy; since the law supposes the crime out of the reach of detection, otherwise than by the confession of the criminal.

But far different, my lords, are the circumstances of those who are now invited to throng the courts of justice, and stun us with depositions and discoveries. They are men supposed criminal by the indemnity which is offered them; and by the nature of their crimes it is made at least probable, that they are in daily hazard of discovery and punishment; from which they are summoned to set themselves free for ever, by accusing a man of whom it has not been yet proved that he can legally be called to a trial.

Thus, my lords, in the law which the noble duke has mentioned as a precedent for this bill, the accuser is only placed in a kind of equilibrium, equally secure from punishment, by silence or by information, in hope that the love of truth and justice will turn the balance; in the bill now before us the witness is in continual danger by withholding his evidence, and is restored to perfect safety by

becoming an accuser, and from making discoveries, whether true or false, has every thing to hope and nothing to fear.

The necessity of punishing wickedness has been urged with great strength; it has been unanswerably shown, by the advocates for this bill, that vindictive justice is of the highest importance to the happiness of the publick, and that those who may be injured with impunity, are, in reality, denied the benefits of society, and can be said to live in the state of uncivilized nature, in which the strong must prey upon the weak.

This, my lords, has been urged with all the appearance of conviction and sincerity, and yet has been urged by those who are providing a shelter for the most enormous villanies, and enabling men who have violated every precept of law and virtue, to bid defiance to justice, and to sit at ease in the enjoyment of their acquisitions.

And what, my lords, is the condition, upon which wickedness is to be set free from terrour, upon which national justice is to be disarmed, and the betrayers of publick counsels, or the plunderers of publick treasure, qualified for new trusts, and set on a level with untainted fidelity? A condition, my lords, which wretches like these will very readily accept, the easy terms of information and of perjury. They are required only to give evidence against a man marked out for destruction, and the guilt of partaking in his crimes is to be effaced by the merit of concurring in his ruin.

It has, indeed, been a method of detection, frequently employed against housebreakers and highwaymen, to proclaim a pardon for him that shall convict his accomplices; but surely, my lords, this practice will not, in the present question, be mentioned as a precedent. Surely it will not be thought equitable to level with felons, and with thieves, a person distinguished by his rank, his employments, his abilities, and his services; a person, whose loyalty to his sovereign has never been called in question, and whose fidelity to his country has at least never been disproved.

These are measures, my lords, which I hope your lordships will never concur to promote; measures not sup-

ported either by law or justice, or enforced by any exigence of affairs, but dictated by persecution, malice, and revenge; measures by which the guilty and the innocent may be destroyed with equal facility, and which must, therefore, tend to encourage wickedness as they destroy the security of virtue.

Lord CARTERET then rose, and spoke to the following effect:—My lords, I have so long honoured the abilities, and so often concurred with the opinion of the noble lord who began the debate, that I cannot, without unusual concern, rise up now to speak in opposition to him; nor could any other principle support me under the apparent disadvantage of a contest so unequal, but the consciousness of upright intentions, and the concurrence of the whole nation.

I cannot but consider myself, on this occasion, my lords, as the advocate of the people of Britain, who, after continued oppressions, losses, and indignities, after having been plundered and ridiculed, harassed and insulted for complaining, have at length flattered themselves that they should have an opportunity of appealing to our bar for justice, and of securing themselves from future injuries, by the punishment of those that had so long triumphed in their guilt, proclaimed their defiance of justice, and declared that the laws were made only for their security.

The expectations of the people have been frustrated by the unexpected obstinacy of the agents of wickedness, by a plea that was never made use of for the same purpose before, against which the known laws of the nation have provided no remedy, and which your lordships are, therefore, now called upon to overthrow.

That the nation calls loudly for an inquiry, that the misapplication of the publick treasure is universally suspected, and that the person mentioned in the bill is believed to be the chief author of that misapplication; that at least those who have squandered it, have acted by his authority, and been admitted to trust by his recommendation, and that he is, therefore, accountable to the publick for their conduct, I shall suppose, cannot be denied.

The nation, my lords, has a right to be gratified in their

demands of an inquiry, whatever be the foundation of their suspicions; since it is manifest that it can produce no other effects than those of giving new lustre to innocence, and quieting the clamours of the people, if it should be found that the government has been administered with honesty and ability; and it is not less evident that, if the general opinion is well grounded, if our interest has been betrayed, and that money employed only to corrupt the nation which was raised for the defence of it, the severest punishment ought to be inflicted, that all future ministers may be deterred from the same crimes by exemplary vengeance.

Thus, my lords, an inquiry appears, upon every supposition, useful and necessary; but I cannot comprehend how it can be prosecuted by any other method, than that of proposing an indemnity to those who shall make discoveries.

Every wicked measure, my lords, must involve in guilt all who are engaged in it; and how easily it may be concealed from every other person, may be shown by an example of a crime, which no man will deny to have sometimes existed, and which, in the opinion of most, is not very uncommon in this age.

It will be allowed, at least, that on some occasions, when a favourite begins to totter, when strong objections are raised against the continuance of a standing army, when a convention requires the ratification of the legislature, or some fatal address is proposed to be presented to the crown, a pecuniary reward may sometimes be offered, and though that, indeed, be a supposition more difficult to be admitted, sometimes, however rarely, accepted.

In this case, my lords, none but he that gives, and he that receives the bribe can be conscious of it; at most, we can only suppose an intervening agent to have any knowledge of it; and if even he is admitted to the secret, so as to be able to make a legal discovery, there must be some defect of cunning in the principals. Let us consider from which of these any discovery can be probably expected, or what reason can be alleged, for which either should expose himself to punishment for the sake of ruining his associates.

It is, therefore, my lords, plain, from this instance, that without the confession of some guilty person, no discovery can be made of those crimes which are most detrimental to our happiness, and most dangerous to our liberties. It is apparent that no man will discover his own guilt; while there remains any danger of suffering by his confession, it is certain that such crimes will be committed, if they are not discouraged by the fear of punishment, and it cannot, therefore, be denied that a proclamation of indemnity is necessary to their detection.

This, my lords, is not, as it has been alleged, a method unknown to our constitution, as every man that reads the common papers will easily discover. I doubt if there has been, for many years, a single month in which some reward, as well as indemnity, has not been promised to any man, who, having been engaged in a robbery, would discover his confederates; and surely a method that is daily practised for the security of private property, may be very rationally and justly adopted by the legislature for the preservation of the happiness and the property of the publick.

The punishment of wickedness, my lords, is undoubtedly one of the essential parts of good government, and, in reality, the chief purpose for which society is instituted; for how will that society in which any individual may be plundered, enslaved, and murdered, without redress and without punishment, differ from the state of corrupt nature, in which the strongest must be absolute, and right and power always the same?

That constitution, therefore, which has not provided for the punishment, and previously for the discovery of guilt, is so far in a state of imperfection, and requires to be strengthened by new provisions. This, my lords, is far from being our state, for we have in our hands a method of detecting the most powerful criminals, a method in itself agreeable to reason, recommended by the practice of our predecessors, and now approved, once more, by the sanction of one of the branches of the legislature.

The objections which have, on this occasion, been made against it, are such as no law can escape, and which, there-

fore, can have no weight; and it is no small confirmation of the expediency of it, that they by whom it has been opposed have not been able to attack it with stronger reasons, from which, if we consider their abilities, we shall be convinced, that nothing has secured it but the power of truth.

It is inquired, by the noble lord, how we shall distinguish true from false evidence; to which it may be very readily answered, that we shall distinguish them by the same means as on any other occasion, by comparing the allegations, and considering how every witness agrees with others and with himself, how far his assertions are in themselves probable, how they are confirmed or weakened by known circumstances, and how far they are invalidated by the contrary evidence.

We shall, my lords, if we add our sanction to this bill, discover when any man's accusation is prompted by his interest, as we might know whether it was dictated by his malice.

It has been asked also, how any man can ascertain his claim to the indemnity? To which it may be easily replied, that by giving his evidence he acquires a right, till that evidence shall be proved to be false.

The noble lord who spoke some time ago, and whose abilities and qualities are such, that I cannot but esteem and admire him, even when conviction obliges me to oppose him, has proposed a case in which he seems to imagine that a murderer might secure himself from punishment, by connecting his crime with some transaction in which the earl of Orford should be interested. This case, my lords, is sufficiently improbable, nor is it easy to mention any method of trial in which some inconvenience may not be produced, in the indefinite complications of circumstances, and unforeseen relations of events. It is known to have happened once, and cannot be known not to have happened often, that a person accused of murder, was tried by a jury of which the real murderer was one. Will not this then be an argument against the great privilege of the natives of this empire, *a trial by their equals?*

But, my lords, I am of opinion that the murderer would not be indemnified by this bill, since he did not commit the crime by the direction of the person whom he is supposed to accuse; nor would it have any necessary connexion with his conduct, but might be suppressed in the accusation, without any diminution of the force of the evidence. A man will not be suffered to introduce his accusation with an account of all the villanies of his whole life, but will be required to confine his testimony to the affair upon which he is examined.

The committee, my lords, will distinguish between the crimes perpetrated by the direction of the earl of Orford, and those of another kind. And should an enormous criminal give such evidence, as the noble lord was pleased to suppose, he may be indemnified for the bribery, but will be hanged for the murder, notwithstanding any thing in this bill to the contrary.

It has been insisted on by the noble lords, who have spoke against the bill, that no crime is proved, and, therefore, there is no foundation for it. But, my lords, I have always thought that the profusion of the publick money was a crime, and there is evidently a very large sum expended, of which no account has been given; and, what more nearly relates to the present question, of which no account has ever been demanded.

On this occasion, my lords, an assertion has been alleged, which no personal regard shall ever prevail upon me to hear without disputing it, since I think it is of the most dangerous tendency, and unsupported by reason or by law. It is alleged, my lords, that the civil list is not to be considered as publick money, and that the nation has, therefore, no claim to inquire how it is distributed; that it is given to support the dignity of the crown, and that only his majesty can ask the reason of any failures in the accounts of it.

I have, on the contrary, my lords, hitherto understood, that all was publick money which was given by the publick. The present condition of the crown is very different from that of our ancient monarchs, who supported their dignity

by their own estates. I admit, my lords, that they might at pleasure contract or enlarge their expenses, mortgage or alienate their lands, or bestow presents and pensions without control.

It is, indeed, expressed in the act, that the grants of the civil list are without account, by which I have hitherto understood only that the sum total is exempt from account; not that the ministers have a right to employ the civil list to such purposes as they shall think most conducive to their private views. For if it should be granted, not only that the nation has no right to know how the *whole* is expended, which is the utmost that can be allowed, or to direct the application of any part of it, which is very disputable, yet it certainly has a claim to direct in what manner it shall *not* be applied, and to provide that boroughs are not corrupted under pretence of promoting the dignity of the crown.

The corruption of boroughs, my lords, is one of the greatest crimes of which any man under our constitution is capable; it is to corrupt, at once, the fountain and the stream of government, to poison the whole nation at once, and to make the people wicked, that they may infect the house of commons with wicked representatives.

Such, my lords, are the crimes, the suspicion of which incited the commons to a publick inquiry, in which they have been able to proceed so far, as to prove that the publick discontent was not without cause, and that such arts had been practised, as it is absolutely necessary, to the publick security, to detect and punish.

They, therefore, pursued their examination with a degree of ardour proportioned to the importance of the danger in which every man is involved by the violation of the fundamental laws of the constitution; but they found themselves obstructed by the subtilty of some who confessed only that they were guilty, and determined to be faithful to their accomplices and themselves.

A farther inquiry, my lords, was, by this unforeseen evasion, made impossible; the ultimate and principal agent is sheltered from the law by his guard of mercenaries, wretches

who are contented to be infamous, if they can continue to be rich, and value themselves on their adherence to their master, while they are conspiring to ruin their country.

The nation, my lords, in the mean time, justly applies for redress to the power of the legislature, and to its wisdom for methods of procuring it by law. The commons have complied with their importunities, and propose to your lordships the bill before you, a bill for making a publick inquiry possible, and for bringing a minister within reach of the law.

On this occasion, my lords, we are upbraided with our own declarations, that the person mentioned in this bill would quickly find accusers, when he should be divested of his authority. Behold him now, say his advocates, reduced from his envied eminence, and placed on a level with his fellow-subjects! behold him no longer the distributer of employments, or the disburser of the publick treasure! see him divested of all security, but that of innocence, and yet no accusations are produced!

This, my lords, is a topick so fruitful of panegyrick, and so happily adapted to the imagination of a person long used to celebrate the wisdom and integrity of ministers, that, were not the present question of too great importance to admit of false concessions, I should suffer it to remain without controversy.

But, my lords, this is no time for criminal indulgence; and, therefore, I shall annihilate this short-lived triumph by observing, that to be out of place, is not necessarily to be out of power; a minister may retain his influence, who has resigned his employment; he may still retain the favour of his prince, and possess him with a false opinion, that he can only secure his authority by protecting him; or, what there is equal reason to suspect, his successours may be afraid of concurring in a law which may hereafter be revived against themselves.

It may be urged farther, my lords, that he cannot with great propriety be said to have no power, who sees the legislature crowded with men that are indebted to his favour for their rank and their fortunes.

Such a man may bid defiance to inquiry, with confidence produced by security very different from that of innocence; he may depend upon the secrecy of those whom he has, perhaps, chosen for no other virtue; he may know that common danger will unite them to him, and that they cannot abandon him without exposing themselves to the same censures.

These securities, my lords, the fortifications of the last retreat of wickedness, remain now to be broken, and the nation expects its fate from our determinations, which will either secure the liberties of our posterity from violation, by showing that no degree of power can shelter those who shall invade them, or that our constitution is arrived at this period, and that all struggles for its continuance will be vain.

Let us not, my lords, combine with the publick enemies, let us not give the nation reason to believe that this house is infected with the contagion of venality, that our honour is become an empty name, and that the examples of our ancestors have no other effect upon us than to raise the price of perfidy, and enable us to sell our country at a higher rate.

Let us remember, my lords, that power is supported by opinion, and that the reverence of the publick cannot be preserved but by rigid justice and active beneficence.

For this reason, I am far from granting that we ought to be cautious of charging those with crimes who have the honour of a seat amongst us. In my opinion, my lords, we ought to be watchful against the least suspicion of wickedness in our own body, we ought to eject pollution from our walls, and preserve that power for which some appear so anxious, by keeping our reputation pure and untainted.

It is, therefore, to little purpose objected, that there is no *corpus delicti;* for even, though it were true, yet while there is a *corpus suspicionis,* then inquiry ought to be made for our own honour, nor can either law or reason be pleaded against it.

I cannot, therefore, doubt, that your lordships will en-

deavour to do justice; that you will facilitate the production of oral evidence, lest all written proofs should be destroyed; that you will not despise the united petition of the whole people, of which I dread the consequence; nor reject the only expedient by which their fears may be dissipated, and their happiness secured.

Lord HARDWICKE spoke next, in the following manner:—My lords, after having, with an intention uninterrupted by any foreign considerations, and a mind intent only on the discovery of truth, examined every argument which has been urged on either side, I think it my duty to declare, that I have yet discovered no reason, which, in my opinion, ought to prevail upon us to ratify the bill that is now before us.

The noble lords who have defended it, appear to reason more upon maxims of policy, than rules of law, or principles of justice; and seem to imagine, that if they can prove it to be expedient, it is not necessary to show that it is equitable.

How far, my lords, they have succeeded in that argument which they have most laboured, I think it not necessary to examine, because I have hitherto accounted it an incontestable maxim, that whenever interest and virtue are in competition, virtue is always to be preferred.

The noble lord who spoke first in this debate, has proved the unreasonableness and illegality of the methods proposed in this bill, beyond the possibility of confutation; he has shown that they are inconsistent with the law, and that the law is founded upon reason: he has proved, that the bill supposes a criminal previous to the crime, summons the man to a trial, and then inquires for what offence.

Nor has he, my lords, confined himself to a detection of the original defect, the uncertainty of any crime committed, but has proceeded to prove, that upon whatever supposition we proceed, the bill is unequitable, and of no other tendency than to multiply grievances, and establish a precedent of oppression.

For this purpose he has shown, that no evidence can be

procured by this bill, because all those who shall, upon the encouragement proposed in it, offer information, must be considered as hired witnesses, to whom no credit can be given, and who, therefore, ought not to be heard.

His lordship also proved, that we cannot pass this bill without diminishing our right, bestowing new powers upon the commons, confirming some of their claims which are most dubious, nor, by consequence, without violating the constitution.

To all these arguments, arguments drawn from the most important considerations, enforced by the strongest reasoning, and explained with the utmost perspicuity, what has been replied? How have any of his assertions been invalidated, or any of his reasons eluded? How has it been shown that there is any foundation for a criminal charge, that witnesses thus procured ought to be heard, or that our rights would not be made disputable by confirming the proceedings of the commons?

It has been answered by a noble lord, that though there is not *corpus delicti*, there is *corpus suspicionis*. What may be the force of this argument, I cannot say, because I am not ashamed to own, that I do not understand the meaning of the words. I very well understand what is meant by *corpus delicti*, and so does every other lord; it is universally known to mean the *body of an offence*; but as to the words *corpus suspicionis*, I do not comprehend what they mean: it is an expression, indeed, which I never before heard, and can signify, in my apprehension, nothing more than the *body of a shadow*, the substance of something which is itself nothing.

Such, my lords, is the principle of this bill, by the confession of its warmest and ablest advocates; it is a bill for summoning a person to a trial, against whom no crime is alleged, and against whom no witness will appear without a bribe.

For that those who should appear in consequence of this bill to offer their evidence, ought to be considered as bribed, will, surely, need no proof to those who consider,

that bribes are not confined to money, and that every man who promotes his own interest by his deposition, is swearing, not for truth and justice, but for himself.

It may be urged, and it is, in my opinion, all that the most fruitful imagination can suggest in favour of this bill, that they are not required to accuse the earl of Orford, but to give in their evidence concerning his conduct, whether in his favour, or against him.

But this argument, my lords, however specious it may seem, will vanish of itself, if the bill be diligently considered, which is only to confer indemnity on those, who in the course of their evidence shall discover any of their own crimes; on those whose testimony shall tend to fix some charge of wickedness on the earl of Orford; for it cannot easily be imagined how those who appear in his favour, should be under a necessity of revealing any actions that require an indemnity.

Thus, my lords, it appears that the bill can produce no other effect than that of multiplying accusations, since it offers rewards only to those who are supposed to have been engaged in unjustifiable practices; and to procure witnesses by this method, is equally unjust as to propose a publick prize to be obtained by swearing against any of your lordships.

If witnesses are to be purchased, we ought, at least, to offer an equal price on each side, that though they may be induced by the reward to offer their depositions, they may not be tempted to accuse rather than to justify.

Should any private man, my lords, offer a reward to any that would give evidence against another, without specifying the crime of which he is accused, doubtless he would be considered by the laws of this nation, as a violator of the rights of society, an open slanderer, and a disturber of mankind; and would immediately, by an indictment or information, be obliged to make satisfaction to the community which he had offended, or to the person whom he had injured.

It has, my lords, I own, been asserted by the noble duke, that the publick has a right to every man's evi-

dence, a maxim which in its proper sense cannot be denied. For it is undoubtedly true, that the publick has a right to all the assistance of every individual; but it is, my lords, upon such terms as have been established for the general advantage of all; on such terms as the majority of each society has prescribed. But, my lords, the majority of a society, which is the true definition of the *publick*, are equally obliged with the smaller number, or with individuals, to the observation of justice, and cannot, therefore, prescribe to different individuals different conditions. They cannot decree that treatment to be just with regard to one which they allow to be cruel with respect to another. The claims of the publick are founded, first upon right, which is invariable; and next upon the law, which, though mutable in its own nature, is, however, to be so far fixed, as that every man may know his own condition, his own property, and his own privileges, or it ceases in effect to be law, it ceases to be the rule of government, or the measure of conduct.

In the present case, my lords, the publick has not a right to hire evidence, because the publick has hitherto subsisted upon this condition, among others, that no man shall swear in his own cause. The publick has not a right to require from any man that he should betray himself, because every man may plead that he is exempted from that demand by the publick faith.

Thus, my lords, the right of the publick is only that right which the publick has established by law, and confirmed by continual claims; nor is the claim of the publick from individuals to be extended beyond its known bounds, except in times of general distress, where a few must necessarily suffer for the preservation of the rest.

This necessity is, indeed, now urged; but surely it ought to be shown, that the present circumstances of affairs differ from those of any former age, before it can with any propriety be asserted, that measures are now necessary, which no other distresses, however urgent, or provocations, however flagrant, have hitherto produced. It ought to be proved, that wickedness had discovered some

new shelter from justice, before new engines are invented to force it from its retreat, and new powers applied to drag it out to punishment.

The nation has subsisted, my lords, so many centuries; has often recovered from the lingering disease of inward corruption, and repelled the shocks of outward violence; it has often been endangered by corrupt counsels, and wicked machinations, and surmounted them by the force of its established laws, without the assistance of temporary expedients; at least without expedients like this, which neither law nor justice can support, and which would in itself be a more atrocious grievance than those, if they were real, which it is intended to punish, and might produce far greater evils than those which are imputed to him, against whom it is projected.

It has, indeed, my lords, been mentioned by a noble lord, in much softer language, as a method only of making an inquiry possible. The possibility of an inquiry, my lords, is a very remote and inoffensive idea; but names will not change the nature of the things to which they are applied. The bill is, in my opinion, calculated to make a defence impossible, to deprive innocence of its guard; and to let loose oppression and perjury upon the world. It is a bill to dazzle the wicked with a prospect of security, and to incite them to purchase an indemnity for one crime, by the perpetration of another. It is a bill to confound the notions of right and wrong, to violate the essence of our constitution, and to leave us without any certain security for our properties, or rule for our actions.

Nor are the particular parts less defective than the general foundation; for it is full of ambiguous promises, vague ideas, and indeterminate expressions, of which some have been already particularized by the noble lords that have spoken on this occasion, whose observations I shall not repeat, nor endeavour to improve; but cannot forbear proposing to the advocates for the bill one sentence, that it may be explained by them, and that at least we may not pass what we do not understand.

In the inquiry into the conduct of the earl of Orford,

every man, as we have already seen, is invited to bring his evidence, and to procure an indemnity, by answering such questions as shall be asked, *touching or concerning the said inquiry, or relative thereto.* What is to be understood by this last sentence, I would willingly be informed; I would hear how far the *relation* to the inquiry is designed to be extended, with what other *inquiries* it is to be complicated, and where the chain of interrogatories is to have an end.

When an evidence appears before the committee, how can he be certain that the questions asked are *relative to the inquiry?* How can he be certain that they are such as he may procure an indemnity by resolving? Or whether they are not unconnected with the principal question, and therefore insidious and dangerous? And to what power must he appeal, if he should be prosecuted afterwards upon his own confession, on pretence that it was not *relative to the inquiry?*

Expressions like these, my lords, if they are not the effects of malicious hurry, and negligent animosity, must be intended to vest the committee with absolute authority, with the award of life and death, by leaving to them the liberty to explain the statute at their own pleasure, to contract or enlarge the relation to the controversy, to inquire without bounds, and judge without control.

Thus, my lords, I have laid before you my opinion of this bill without any partial regard, without exaggerating the ill consequences that may be feared from it, or endeavouring to elude any reasoning by which it has been defended. I have endeavoured to pursue the arguments of the noble lord who spoke first, and to show that it is founded upon false notions of criminal justice, that it proposes irrational and illegal methods of trial, that it will produce consequences fatal to our constitution, and establish a precedent of oppression.

I have endeavoured, in examining the arguments by which the bill has been defended, to show that the rights of the publick are ascertained, and that the power of the majority is to be limited by moral considerations; and to

prove, in discussing its particular parts, that it is inaccurate, indeterminate, and unintelligible.

What effects my inquiry may have had upon your lordships, yourselves only can tell; for my part, the necessity of dwelling so long upon the question, has added new strength to my conviction; and so clearly do I now see the danger and injustice of a law like this, that though I do not imagine myself indued with any peculiar degree of heroism, I believe, that if I were condemned to a choice so disagreeable, I should more willingly suffer by such a bill passed in my own case, than consent to pass it in that of another.

The duke of ARGYLE replied to the following effect:—My lords, I am not yet able to discover that the bill now before us is either illegal or absurd, that its interpretation is doubtful, or its probable consequences dangerous.

The indisputable maxim, that *the publick has a right to every man's evidence*, has been explained away with much labour, and with more art than a good cause can often require. We have been told of publick contracts, of the rights of society with regard to individuals, and the privileges of individuals with respect to society; we have had one term opposed to another, only to amuse our attention; and law, reason, and sophistry have been mingled, till common sense was lost in the confusion.

But, my lords, it is easy to disentangle all this perplexity of ideas, and to set truth free from the shackles of sophistry, by observing that it is, in all civilized nations of the world, one of the first principles of the constitution, that the publick has a right, always reserved, of having recourse to extraordinary methods of proceeding, when the happiness of the community appears not sufficiently secured by the known laws.

Laws may, by those who have made the study and explanation of them the employment of their lives, be esteemed as the great standard of right; they may be habitually reverenced, and considered as sacred in their own nature, without regard to the end which they are designed to produce.

But others, my lords, whose minds operate without any impediment from education, will easily discover, that laws are to be regarded only for their use; that the power which made them only for the publick advantage ought to alter or annul them, when they are no longer serviceable, or when they obstruct those effects which they were intended to promote.

I will, therefore, my lords, still assert, that *the publick has a right to every man's evidence;* and that to reject any bill which can have no other consequence than that of enabling the nation to assert its claim, to reconcile one principle of law with another, and to deprive villany of an evasion which may always be used, is to deny justice to an oppressed people, and to concur in the ruin of our country.

And farther, my lords, I confidently affirm it has not been proved, that this bill can endanger any but the guilty; nor has it been shown that it is drawn up for any other purpose than that which the noble lord mentioned, of hindering *an inquiry from being impossible;* it may, therefore, justly be required from those who affect, on this occasion, so much tenderness for liberty, so many suspicions of remote designs, and so much zeal for our constitution, to demonstrate, that either an inquiry may be carried on by other means, or that an inquiry is itself superfluous or improper.

Though none of those who have spoken against the bill have been willing to expose themselves to universal indignation, by declaring that they would gladly obstruct the progress of the inquiry; that they designed to throw a mist over the publick affairs, and to conceal from the people the causes of their misery; and though I have no right to charge those who differ from me in opinion, with intentions, which, as they do not avow them, cannot be proved; this, however, I will not fear to affirm, that those who are for rejecting this method of inquiry, would consult their honour by proposing some other equally efficacious; lest it should be thought; by such as have not any opportunities of knowing their superiority to temptations, that they are influenced by some motives which they are not willing to

own, and that they are, in secret, enemies to the inquiry, though, in publick, they only condemn the method of pursuing it.

The duke of NEWCASTLE next rose, and spoke to this effect:—My lords, the arguments which have been produced in defence of the bill before us, however those who offer them may be influenced by them, have made, hitherto, very little impression upon me; my opinion of the impropriety and illegality of this new method of prosecution, still continues the same; nor can it be expected that I should alter it, till those reasons have been answered which have been offered by the noble lord who spoke first in the debate.

The advocates for the bill seem, indeed, conscious of the insufficiency of their arguments, and have, therefore, added motives of another kind; they have informed us, that our power subsists upon our reputation, and that our reputation can only be preserved by concurring in the measures recommended by the commons; they have insinuated to us, that he who obstructs this bill, will be thought desirous to obstruct the inquiry, to conspire the ruin of his country, and to act in confederacy with publick robbers.

But, my lords, whether the nation is really exasperated to such a degree as is represented, whether it is the general opinion of mankind that the publick affairs have been unfaithfully administered, and whether this bill has been dictated by a desire of publick justice, or of private revenge, I have not thought it necessary to inquire; having long learned to act in consequence of my own conviction, not of the opinions of others, at least, not of those who determine upon questions which they cannot understand, and judge without having ever obtained an opportunity of examining.

Such, my lords, must be the opinions of the people upon questions of policy, opinions not formed by reflection, but adopted from those whom they sometimes, with very little reason, imagine nearer spectators of the government than themselves, and in whom they place an implicit confidence, on account of some casual act of popularity.

I shall not, therefore, think the demands of the people

a rule of conduct, nor shall ever fear to incur their resentment in the prosecution of their interest. I shall never flatter their passions to obtain their favour, or gratify their revenge for fear of their contempt. The inconstancy, my lords, of publick applause, all of us have observed, and many of us have experienced; and we know that it is very far from being always the reward of merit. We know that the brightest character may be easily darkened by calumny; that those who are labouring for the welfare of the publick, may be easily represented as traitors and oppressors; and that the people may quickly be persuaded to join in the accusation.

That the people, however deceived, have a right to accuse whomsoever they suspect, and that their accusation ought to be heard, I do not deny; but surely, my lords, the opinion of the people is not such a proof of guilt as will justify a method of prosecution never known before, or give us a right to throw down the barriers of liberty, and punish by power those whom we cannot convict by law.

Let any of your lordships suppose himself by some accident exposed to the temporary malice of the populace, let him imagine his enemies inflaming them to a demand of a prosecution, and then proposing that he should be deprived of the common methods of defence, and that evidence should be hired against him, lest the publick should be disappointed, and he will quickly discover the unreasonableness of this bill.

I suppose no man will deny, that methods of prosecution introduced on one occasion, may be practised on another; and that in the natural rotations of power, the same means may be used for very different ends. Nothing is more probable, my lords, if a bill of this kind should be ever passed, in compliance with the clamours of the people, to punish ministers, and to awe the court, than that it may in time, if a wicked minister should arise, be made a precedent for measures by which the court may intimidate the champions of the people; by which those may be pursued to destruction, who have been guilty of no other crime than that of serving their country in a manner which those

who are ignorant of the circumstances of affairs, happen to disapprove.

The measures now proposed, my lords, are, therefore, to be rejected, because it is evident that they will establish a precedent, by which virtue may at any time be oppressed, but which can be very seldom necessary for the detection of wickedness; since there is no probability that it will often happen, that a man really guilty of enormous crimes can secure himself from discovery, or connect others with him in such a manner, that they cannot impeach him without betraying themselves.

But, my lords, whenever virtue is to be persecuted, whenever false accusations are to be promoted, this method is incontestably useful; for no reward can so efficaciously prevail upon men who languish in daily fear of publick justice, as a grant of impunity.

It may be urged, my lords, I own, that all inquiries into futurity are idle speculations; that the expedient proposed is proper on the present occasion, and that no methods of justice are to be allowed, if the possibility of applying them to bad purposes, is a sufficient reason for rejecting them.

But to this, my lords, it may be answered with equal reason, that every process of law is likewise, in some degree, defective; that the complications of circumstances are variable without end, and, therefore, cannot be comprised in any certain rule; and that we must have no established method of justice, if we cannot be content with such as may possibly be sometimes eluded.

And, my lords, it may be observed farther, that scarcely any practice can be conceived, however generally unreasonable and unjust, which may not be sometimes equitable and proper; and that if we are to lay aside all regard to futurity, and act merely with regard to the present exigence, it may be often proper to violate every part of our constitution. This house may sometimes have rejected bills beneficial to the nation; and if this reasoning be allowed, it might have been wise and just in the commons and the emperour to have suspended our authority by force, to have voted us useless on that occasion, and have passed the law without our concurrence.

With regard to the establishment of criminal prosecutions, as well as to our civil rights, we are, my lords, to consider what is, upon the whole, most for the advantage of the publick; we are not to admit practices which may be sometimes useful, but may be often pernicious, and which suppose men better or wiser than they are. We do not grant absolute power to a wise and moderate prince, because his successours may inherit his power without his virtues; we are not to trust or allow new methods of prosecution upon an occasion on which they may seem useful, because they may be employed to purposes very different from those for which they were introduced.

Thus, my lords, I have shown the impropriety of the bill now before us, upon the most favourable supposition that can possibly be made; a supposition of the guilt of the noble person against whom it is contrived. And surely, my lords, what cannot even in that case be approved, must, if we suppose him innocent, be detested.

That he is really innocent, my lords, that he is only blackened by calumny, and pursued by resentment, cannot be more strongly proved than by the necessity to which his enemies are reduced, of using expedients never heard of in this nation before, to procure accusations against him; expedients which they cannot show to have been at any time necessary for the punishment of a man really wicked, and which, by bringing guilt and innocence into the same danger, leave us at liberty to imagine, that he is clear from the crimes imputed to him, even in the opinion of those who pursue him with the fiercest resentment, and the loudest clamours.

It may well be imagined, my lords, that those whom he has so long defeated by his abilities, see themselves now baffled by his innocence; and that they only now persecute his character, to hide the true reason for which they formerly attacked his power.

I hope, my lords, I shall be easily forgiven for observing, that this is a testimony of uncorrupted greatness, more illustrious than any former minister has ever obtained; for when was it known, my lords, that after a continuance of power for twenty years, any man, when his conduct be-

came the subject of publick examination, was without accusers?

I cannot, for my part, but congratulate the noble person upon his triumph over malice; malice assisted by subtilty and experience, by wealth and power, which is at length obliged to confess its impotence, to call upon us to assist it with new laws, to enable it to offer a reward for evidence against him, and throw down the boundaries of natural justice, that he may be harassed, censured, and oppressed, upon whom it cannot be proved that he ever deviated from the law, or employed his power for any other end than the promotion of the publick happiness.

Had the officers of the crown, my lords, when his influence was represented so great, and his dominion so absolute, projected any such measures for his defence; had they proposed to silence his opponents by calling them to a trial, and offered a stated price for accusations against them, how loudly would they have been charged with the most flagrant violation of the laws, and the most open disregard of the rights of nature; with how much vehemence would it have been urged, that they were intoxicated with their success, and that in the full security of power they thought themselves entitled to neglect the great distinctions of right and wrong, and determined to employ the law for the completion of those purposes, in which justice would give them no assistance.

I doubt not that your lordships will easily perceive, that this censure is equally just in either case; that you will not allow any man to be prosecuted by methods which he ought not to have used in his own case; that you will not expose any man to hardships, from which every other member of the community is exempt; that you will not suffer any man to be tried by hired evidence; and that you will not condemn him whom the law acquits.

Lord BATHURST spoke next, in substance as follows:—My lords, the question under our consideration has been so long and so accurately debated, that little can be added to the arguments on either side; and therefore, though I think it necessary on so important an occasion, to make

a solemn declaration of my opinion, I shall endeavour to support it, not so much by any arguments of my own, as by a recapitulation and comparison of those which have been already heard by your lordships.

It has not been denied, that the punishment of crimes is absolutely necessary to the publick security; and as it is evident, that crimes cannot be punished unless they are detected, it must be allowed, that the discovery of wicked measures ought to be, in a very great degree, the care of those who are intrusted with the government of the nation; nor can they better discharge their trust, than by defeating the artifices of intrigue, and blocking up the retreats of guilt.

This, likewise, my lords, is admitted with such restrictions as seem intended to preclude any advantage that might be drawn from the appearance of a concession; for it is urged, that guilt is not to be detected by any methods which are not just, and that no methods are just which are not usual.

The first position, my lords, I have no intention to controvert; as it is not to violate justice, but to preserve it from violation, that this bill has been projected or defended. But, my lords, it is to be observed, that they who so warmly recommend the strictest adherence to justice, seem not fully to understand the duty which they urge. To do justice, my lords, is to act with impartiality, to banish from the mind all regard to personal motives, and to consider every question in its whole extent, without suffering the attention to be restrained to particular circumstances, or the judgment to be obstructed by partial affection.

This rule, my lords, seems not to have been very carefully observed, by the most vehement advocates for justice in the case before us; for they appear not to be solicitous that any should receive justice, but the person mentioned in the bill; they do not remember, that the publick has cried out for justice more than twenty years; for justice, which has not yet been obtained, and which can be obtained only by the method now proposed.

It is necessary, my lords, for those who are so watchful

against the breach of justice, to prove that any means can be unjust which have no other tendency than the detection of wickedness, of wickedness too artful or too powerful to be punished by the common rules of law.

The introduction of new methods of prosecution, is the natural consequence of new schemes of villany, or new arts of evasion; nor is it necessary that precedents should be produced, when the wisdom of the legislature concurs in acknowledging the necessity of extraordinary measures. Though our constitution is in the highest degree excellent, I never yet heard that it was perfect, and whatever is not perfect may be improved. Our laws, however wise, are yet the contrivance of human policy; and why should we despair of adding somewhat to that which we inherit from our ancestors? Why should we imagine, that they anticipated every contingency, and left nothing for succeeding ages?

I think, my lords, with the highest regard both of our laws, and those by whom they were enacted, but I look with no less veneration on this illustrious assembly; I believe your lordships equal to your progenitors in abilities; and therefore, since you cannot but outgo them in experience, am confident that you may make improvements in the fabrick which they have erected; that you may adorn it with new beauties, or strengthen it with new supports.

It cannot, at least, be denied, that your lordships have all the power of your ancestors; and since every law was once new, it is certain they were far from imagining that there was always a necessity of inquiring after precedents. If the argument drawn from the want of precedents be now of any force, let it be proved that its force was less in any former reign; and let it be considered how our government could have attained its present excellence, had this house, instead of applying to every grievance its proper remedy, been amused with turning over journals, and looking upon every new emergence for precedents, of which it is certain that there must have been a time in which they were not to be found.

In all regulations established by the legislature, it is

sufficient that they do not produce confusion by being inconsistent with former laws, that they unite easily with our constitution, and do not tend to the embarrassment of the machine of government. This consideration, my lords, has been in a very remarkable manner regarded by those who drew up the bill before us; a bill of which the noble duke has proved, that it will be so far from perplexing our judicial proceedings, that it will reconcile the law to itself, and free us from the necessity of obeying one precept by the neglect of another.

The arguments of the noble duke are such as, in my opinion, cannot be answered, or heard impartially without conviction. The maxims quoted by him are each of them incontestably true; they are, on this occasion, incompatible; and this is the only method by which they can be reconciled.

Nor has he only shown the propriety of the bill by irrefragable reasons, but has proved, likewise, that it is consistent, not only with the constitution of our government, but with the practice of our ancestors; he has shown, that it may be supported not only by reason, but by bills of the same kind, enacted on occasions of far less importance.

He has proved, my lords, all that the most scrupulous inquirer can wish; he has made it evident, that the bill would be proper, though it were unprecedented; he has produced many precedents in support of it, and has thereby evinced, that the only present question is, whether it is just? To the precedents alleged by him, it has been objected, that they differ in some particulars. But when, my lords, did any two actions, however common, agree in every circumstance? Relations may be complicated without end, and every new complication produces new appearances, which, however, are always to be disregarded, while the constituent principles remain unvaried.

If we consider the difficulties in which the opponents of the bill have involved themselves, it will not be easy to think well of a cause, which gives birth to such wild assertions, and extravagant opinions. They have first, by requiring precedents, determined, that our constitution

must be henceforward for ever at a stand; and then, by declaring that no precedents are of any weight, in which every circumstance is not parallel to the case in debate, have debarred us from the repetition of any occasional law; they have declared, almost in plain terms, themselves useless, and destroyed that authority at once, which they seem so much afraid of communicating to the commons.

But, by none of their arts of subtle distinction, my lords, have they been able to evade the argument which arises from the conformity of this bill to the common practice of our courts; an argument, which has produced no other answer than loud declamations; against the indecency of comparing with pickpockets and highwaymen, a noble person, a minister of acknowledged merit, long graced with the favour of his sovereign, and long invested with the highest trust.

I, my lords, am very far from pleasing myself with licentious or indecent language; I am far from envying any man that exaltation which he obtains either by good or by bad actions; and have no inclination of levelling the person, whose conduct I desire to see examined, with the profligate or infamous. Yet I cannot forbear to observe, that high rank is an aggravation of villany; that to have enjoyed the favour of his sovereign, is no defence of him that has abused it; and that high trust is an honour only to that man, who, when he lays down his office, dares stand an inquiry.

Had there been no precedent in our judicial proceedings, my lords, which bore any resemblance to this bill, there would not from thence have arisen any just objection. Common proceedings are established for common occasions; and it seems to have been the principle of our ancestors, that it is better to give ten guilty persons an opportunity of escaping justice, than to punish one innocent person by an unjust sentence. A principle which, perhaps, might not be erroneous in common cases, in which only one individual was injured by another, or when the trial was, by the law, committed to a common jury, who might easily be misled.

They might likewise imagine, my lords, that a criminal, encouraged by a fortunate escape to a repetition of his guilt, would undoubtedly some time fall into the hands of the law, though not extended on purpose to seize him; and, therefore, they constituted their proceedings in such a manner, that innocence might at least not be entrapped, though guilt should sometimes gain a reprieve.

But in the present case, my lords, every circumstance requires a different conduct. By the crimes which this bill is intended to detect, not single persons, or private families, but whole nations, and all orders of men have long been injured and oppressed; and oppressed with such success, that the criminal has no temptation to renew his practices; nor is there any danger of an erroneous sentence, because the trial will be heard by this house, by persons whose integrity sets them above corruption, and whose wisdom will not be deceived by false appearances.

This consideration, my lords, affords an unanswerable reply to those who represent the bill as ill-concerted, because the evidence to be procured by it, is the testimony of men, partners, by their own confession, in the crimes which they reveal.

Every court, my lords, examines the credibility of a witness; and the known corruption of these men may be properly pleaded at the trial, where your lordships will balance every circumstance with your known impartiality, and examine how far every assertion is invalidated by the character of the witness, and how far it is confirmed by a corroboratory concurrence of known events, or supported by other testimonies not liable to the same exception.

Thus, my lords, it may be observed how quickly the clouds are dispersed with which interest or perverseness have endeavoured to obscure the truth, and how easily the strongest objections which the greatest abilities could raise against this bill are confuted, or how apparently, when they are closely examined, they confute themselves.

One of the objections that requires no answer is that which has been raised with regard to the extent of the indemnity offered in the bill, which, in the opinion of those

that opposed it, ought to be restrained to particular persons. But that it is chiefly, if not solely, intended to be applied to those who have refused to answer the questions of the committee, I believe every lord in this house is fully convinced; it was, however, necessary to draw it up in general terms, lest other artifices might have been employed, and lest, by pointing out particular persons, opportunity might have been given to deprive the publick of their evidence, by prevailing upon them to withdraw.

The bill was justly styled, by a noble lord, a bill to prevent *an inquiry from being impossible*. The difficulty of inquiries for the publick is well known; and the difficulty arises chiefly from the inability of the people to reward their advocates, or their evidence. The state of the court, my lords, is very different; the crown can not only pardon, but advance those that have, on any occasion, promoted its interest; and I hope it will not be too much power to be for once granted to the people, if they are empowered to throw a simple indemnification into the balance, and try whether with the slight addition of truth, and reason, and justice, it will be able to weigh down titles, and wealth, and power.

It has been urged, that there is danger lest this bill should become a precedent. I hope, my lords, the same occasion will not often happen; and whenever it shall hereafter occur, the precedent of passing the bill will be much less dangerous than that of rejecting it.

I hope it is not necessary to say more on this occasion; yet I cannot forbear to remind some lords of the fatal consequences which at critical conjunctures they have often dreaded, or appeared to dread, from a disagreement of this house with the commons. At this time, in which the nation is engaged in war, when the whole continent is one general scene of discord and confusion; when the wisest counsels, the firmest unanimity, and the most vigorous measures are apparently necessary, it might not be improper to reflect, how unseasonably we shall irritate the commons by rejecting this bill, and how justly we shall exasperate the people, by showing them that their com-

plaints and remonstrances are of no weight; that they must expect the redress of their grievances from some other power; and that we prefer the impunity of one man to the happiness and safety of the publick.

Lord ILAY spoke next to the following purpose:—My lords, as there has in this debate been very frequent mention of extraordinary cases, of new modes of wickedness, which require new forms of procedure, and new arts of eluding justice, which make new methods of prosecution necessary, I cannot forbear to lay before your lordships my sentiments on this question; sentiments not so much formed by reflection as impressed by experience, and which I owe not to any superiour degree of penetration into future events, but to subsequent discoveries of my own errours.

I have observed, my lords, that in every collision of parties, that occasion on which their passions are inflamed, is always termed an extraordinary conjuncture, an important crisis of affairs, either because men affect to talk in strong terms of the business in which they are engaged, for the sake of aggrandizing themselves in their own opinion and that of the world, or because the present object appears greatest to their sight by intercepting others, and that is imagined by them to be really most important in itself, by which their own pleasure is most affected.

On these extraordinary occasions, my lords, the victorious have always endeavoured to secure their conquest, and to gratify their passions by new laws, by laws, even in the opinion of those by whom they are promoted, only justifiable by the present exigence. And no sooner has a new rotation of affairs given the superiority to another party, than another law, equally unreasonable and equally new, is found equally necessary for a contrary purpose. Thus is our constitution violated by both, under the pretence of securing it from the attack of each other, and lasting evils have been admitted for the sake of averting a temporary danger.

I have been too long acquainted with mankind to charge any party with insincerity in their conduct, or to accuse them of affecting to represent their disputes as more momentous

than they appeared to their own eyes. I know, my lords, how highly every man learns to value that which he has long contended for, and how easily every man prevails upon himself to believe the security of the publick complicated with his own. I have no other intention in these remarks, than to show how men are betrayed into a concurrence in measures, of which, when the ardour of opposition has subsided, and the imaginary danger is past, they have very seldom failed to repent.

I do not remember, my lords, any deviation from the established order of our constitution, which has not afterwards produced remorse in those that advised it. I have known many endeavour to obviate the evils that might be produced by the precedents which they have contributed to establish, by publick declarations of their repentance, and acknowledgments of their errour; and, for my part, I take this opportunity of declaring, that though I have more than once promoted extraordinary bills, I do not recollect one which I would not now oppose, nor one of which experience has not shown me, that the danger is greater than the benefit.

I have learned, at length, my lords, that our constitution has been so formed by the wisdom of our ancestors, that it is able to protect itself by its own powers, without any assistance from temporary expedients, which, like some kinds of medicines in the human body, may give it the appearance of uncommon vigour, but which, in secret, prey upon its noblest parts, and hurry it to a sudden decay.

But none of all the measures into which I have seen parties precipitated by acrimony and impetuosity, have I known parallel to the bill which is now defended in this house; a bill which I hope we shall have reason to term the wildest effort of misguided zeal, and the most absurd project that the enthusiasm of faction ever produced.

The particular clauses of this bill have been already examined with great acuteness and penetration, and have all been shown to be absurd or useless. I shall, therefore, only add this observation, that the indemnification, however liberally offered, will be wholly at the disposal of those

who shall receive the examinations, by whom, when such discoveries are not made as they may happen to expect, the witnesses may be charged with reserve and insincerity, and be prosecuted for those crimes which could never have been known but by their own confession.

It is not impossible, but that if the bait of indemnification shall be found insufficient to produce testimonies against the noble person, a bill of pains and penalties may be attempted, to terrify those who are too wise to be ensnared by specious promises; for what may not be expected from those who have already sent their fellow-subjects to prison, only for refusing to accuse themselves?

Nor can I discover, my lords, how the most abandoned villains will be hindered from procuring indemnity by perjury, or what shall exclude a conspirator against the life and government of his majesty from pardon, if he swears, that in a plot for setting the pretender on the throne, he was assisted by the counsels of the earl of Orford.

It has, indeed, been in some degree granted, that the bill requires some amendment, by proposing that the necessary alterations may be made to such parts of it as shall appear defective to the committee, which would, indeed, be highly expedient, if only some particular clauses were exceptionable; but, my lords, the intention of the bill is cruel and oppressive; the measures by which that intention is promoted are contrary to law, and without precedent; and the original principle is false, as it supposes a criminal previous to the crime.

It is urged as the most pressing argument by the advocates for the bill, that it ought to be passed to gratify the people. I know not, my lords, upon what principles those who plead so earnestly for rigid justice, can endeavour to influence our decisions by any other motives; or why they think it more equitable to sacrifice any man to the resentment of the people, than to the malice of any single person; nor can conceive why it should be thought less criminal to sell our voices for popularity than for preferment.

As this is, therefore, my lords, a bill contrary to all for-

mer laws, and inconsistent with itself; as it only tends to produce a bad end by bad means, and violates the constitution not to relieve, but to oppress; as the parts, singly considered, are defective, and the whole grounded upon a false principle; it neither requires any longer debate, nor deserves any farther consideration; it is rather to be detested than criticised, and to be rejected without any superfluous attempt for its amendment.

[The aforementioned lords were all who spoke in this debate. The question being then put, Whether the bill should be committed? It passed in the negative.

Content 47, Proxies 10.—57.

Not content 92, Proxies 17.—109.

But a protest was entered on this occasion, signed by twenty-eight lords; the former part of it was drawn from the speech of the duke of Argyle, and the latter part of it from that of lord Carteret.]

HOUSE OF LORDS, MAY 20, 1742.

ON THE SECURITY AND PROTECTION OF TRADE AND NAVIGATION.

The same day that the lords read a first time the indemnification bill, they read also, for the first time, a bill sent from the commons, entitled, *An Act for the better protecting and securing the trade and navigation of this kingdom in time of war.* As this bill had a remarkable rise, passed the commons without a division, and the end proposed by it was so commendable, it may be proper to give some account of it before we proceed to the debate thereon in the house of lords.

It may be remembered, that we have mentioned great cause of complaint on account of the losses sustained by the British merchants from the enemy's privateers, who were not sufficiently checked. The merchants and traders of London, Bristol, and other cities, having applied to the administration in vain, presented petitions to both houses, setting forth, among other things, "that notwithstanding

the growing insolence of the Spanish privateers, the applications of the suffering merchants for protection and redress, had been neglected; that numbers of his majesty's most useful subjects have been reduced to want and imprisonment, or, compelled by inhuman treatment, and despairing of a cartel for the exchange of prisoners, had enlisted in the service of Spain; that there had been various neglects and delays in the appointment of convoys, and some of the commanders of the few that had been granted, deserted the ships under their care at sea, and left them as a prey to the enemy," etc.

One petition farther says, "That the want of ships of force properly stationed, encouraged the enemy to increase the number of their privateers."

Another, "That most of the captures were almost on our coast, in the Channel and soundings, at a time when the naval force of Britain was greater than ever was known, a few ships of which might have ruined the enemy's privateers."

One set of the petitioners apprehend, "that most of the captures might have been prevented, had a few ships been properly stationed on this side cape Finisterre, and the commanders kept to the strictest duty."

Other petitioners "are not a little alarmed, not only at the increase and number of the Spanish privateers lately equipped, but at the unexpected great strength the enemy have lately shown in the Mediterranean, by which their trade must become more precarious than ever."

The last petition delivered in was from the mayor, aldermen, and commons of the city of London, setting forth, "that they had seen a powerful and well-provided fleet remain inactive in our own ports, or more ingloriously putting to sea, without the appearance of any enterprise in view; while our trading vessels were daily exposed to the privateers of an inconsiderable port, and a feeble enemy holds our naval power in derision, to the ruin of trade, the enriching the enemy, and the disgrace of the British name."

Their general request is, "that they may have regular convoys, and that the commanders be ordered not to de-

sert their charge when in danger, that cruisers be properly stationed, subject to such inspection as shall best answer the end designed."

They all concluded with praying, "that the house would make such provision for the future security of the navigation and commerce of these kingdoms as they shall think fit."

The petitions were severally referred to the consideration of a committee of the whole house, and the following orders made for necessary papers to be laid before the house.

1. An account of his majesty's ships of war which have been employed since the beginning of last year, as cruisers for the protection of the trade of this kingdom on this side cape Finisterre, the stations of such ships, and how long ordered to continue thereupon, with the times of their going to sea, and their returning into port; when such ships were cleared, and which of them tallowed, and when respectively.

2. The journals of the commanders of such of his majesty's ships of war as have been employed since the commencement of the present war, as cruisers for the protection of trade on this side cape Finisterre.

3. An account of the ships of war built in any of his majesty's yards, which have been launched since July, 1739, the times when launched, when first put to sea, and on what services employed.

4. An account of the ships of war built in private yards for his majesty's service, in the said time; distinguishing the times when contracted for, when launched, when first put to sea, and on what services employed.

5. An account of the ships and vessels purchased for his majesty's service since the said time, distinguishing when purchased, when first put to sea, and what services employed in.

6. An account of the ships of war appointed as convoys to the trade of this kingdom to foreign parts, since the commencement of the present war, distinguishing the ships appointed, and the particular services, together with

the notices given to the traders of the time prefixed for their sailing, and the times they sailed respectively.

7. That his majesty be addressed for the report of the commissioners for executing the office of lord high admiral to his majesty in council, upon the petition of the merchants, relating to their losses during the war, to be laid before the house.

8. That the schoolmaster and a mariner on board his majesty's ship, the Duke, do attend the said committee.

Six days after these orders passed, the said accounts and report were presented to the house by the secretary of the admiralty.

There were also laid before them copies of above one hundred letters, from and to the secretary of state, admirals, ambassadours, consuls, commanders of his majesty's ships, and trading vessels; from the commissioners of the sick and hurt seamen, with heads of a cartel for exchange of prisoners; and memorials and representations from merchants.

Also a list of ships taken since the commencement of the war, and of the prisoners made by the enemy, also letters from several of them relating to their treatment, and from the captain-general of the province where the said seamen were imprisoned, relating to an exchange; several certificates and depositions, and a proposal by the lords of the admiralty for a general exchange of prisoners; also copies of the orders of the commissioners of admiralty to captains and commanders on the enemy's coast.

Petitions from the wives of seamen taken prisoners; letters to and from the principal officers of the enemy, prisoners in Britain, relating to the exchange.

Certificates of the discharge of several prisoners, by the enemy, on promise that a like number of the prisoners in Britain should be discharged.

The secretary of the Admiralty also laid before the house a book of the regulations and instructions relating to the sea-service, established by his majesty in council.

These requisites being laid before the house of commons, they went into a committee on the twenty-third day

of their sitting, heard one of the petitioners, several witnesses, and desired to sit again.

In the mean time were presented to the house seventeen other letters concerning sea affairs, and an account when the East India company first applied, since the war began, for a convoy to St. Helena, and when they sailed, and what number of ships came under the said convoy, and on the twenty-fifth day of sitting the committee heard more witnesses.

Next day they proceeded, when an account was brought in of the Spanish prisoners released, by what orders, and on what conditions; also an account of the number of seamen employed the last year, distinguishing how many at home, and how many abroad, also of the number of ships and vessels of war, distinguishing the rates.

The secretary of the admiralty also presented a list of the names of the merchant ships, and the masters, as have behaved so negligently as to delay the convoys from whom they had taken sailing orders, or that have abandoned the same, or that have been any ways disobedient to the instructions established for good government, with the narration of the facts since the beginning of the war.

Also copies of the reasons given, in writing, by such commanders of his majesty's ships as have been appointed in this war as cruisers on this side cape Finisterre, for leaving their stations, or for coming into port, before the time required by their orders, which papers were sixty-one in number.

All which were referred to the said committee, and then they heard some other evidence, and after farther proceeding desired leave to sit again.

Next day the secretary of the admiralty presented copies of all applications for convoys for ships and cruisers, and what was done thereon, which papers were above forty, of which eight were petitions to get convoys for single ships.

All which papers and accounts were referred to the said committee, which was to proceed again on the twenty-eighth day, but the houses were desired to adjourn for fifteen days.

When the house met again, the said secretary presented copies of all complaints made since the war began, to the commissioners of the admiralty, against, or relating to commanders leaving the trade under their convoy, or their stations, or for impressing seamen out of outward-bound ships after clearance, or homeward-bound before they reached their port, or for other misbehaviour, or injury done by them to trade, with an account of what has been done thereupon.

These papers, including the complaints and the orders given thereupon, which are much the greater part, with justifications from the commanders, were in number forty; but we ought not to omit that amongst them there is a representation of the Portugal merchants in favour of one commander, captain Ambrose, who had taken several of the enemy's privateers.

On the thirty-third day of sitting were presented, from the office for the sick and wounded seamen, copies of the returns from such persons as have been empowered to pay his majesty's bounty to the British subjects, prisoners in the ports of Spain, distinguishing the number of men paid each month, and what ships they belonged to, and when taken.

Also an account of the number of men who have been put sick on shore from his majesty's ships, into the hospitals last year, distinguishing how many died, and how many were returned to the ships, or run away, or were otherwise disposed of.

Which papers were referred to the said committee, and the house went into it, heard farther evidence, and the chairman desired leave to sit again.

Accordingly they proceeded on this affair the thirty-fifth day, and heard farther evidence.

On the thirty-seventh day more papers were laid before the house, being three several orders issued by the admiralty to the commanders of his majesty's ships in the ports of Portugal, or such as shall have occasion to put into the said ports; also an estimate of the debt of the navy; which were referred to the said committee, and the house went into it, and came to several resolutions, which were reported the next day, and are as follow,

The first resolution was, that it appeared to the committee, that notwithstanding the repeated applications of the merchants for cruisers to be properly stationed for the protection of the trade of this nation from the privateers of Spain, the due and necessary care has not been taken to keep a proper number of his majesty's ships employed in that service, more especially in and near the Channel and soundings; for want of which, many ships had been taken by the enemy, some of them of considerable value, to the great loss of many of his majesty's subjects, the great advantage and encouragement of the enemy, and the dishonour of this nation. II. That the detention of the ships bound to Portugal for near twelve months, by the refusal of protections for some time, and the delay of convoys afterwards, gave our rivals in trade an opportunity of introducing new species of their woollen manufactures into Portugal, to the great detriment of this kingdom.

Upon this foundation, the house ordered that a bill be brought in for the better protecting and securing the trade and navigation of this kingdom in times of war; and that the lord mayor of London (since deceased) and sir John Barnard, do prepare and bring in the same.

On the first day of April, being the fifty-ninth of their sitting, the lord mayor of London presented, according to order, a bill for the better protecting and securing the trade and navigation of this kingdom in time of war; and the same was received and read a first time, and ordered to be read a second time, and to be printed.

By reason of some omission, we do not find when the bill was read a second time; but, on the seventy-second sitting, a day was appointed to go into a committee on the seventy-ninth, when they did, and made several amendments, which were reported on the eighty-second day, and with amendments to one of them, were agreed to, and ordered to be engrossed. At their eighty-seventh sitting the bill was read a third time and passed, and the lord mayor of London was ordered to carry the bill to the lords, and desire their concurrence. And three days after it was read by their lordships a first time, and is as follows; the

words within these marks [ ] showing how the blanks were filled up, and the amendments made in its progress through the house of commons, with notes of the words left out.

An Act for the better protecting and securing of the trade and navigation of this kingdom in times of war.

"Whereas it is necessary, in times of war, that a sufficient number of ships should be appointed, and kept constantly employed, as cruisers, in proper stations, for the protection and security of the trade and navigation of this kingdom; be it enacted by the king's most excellent majesty, by and with the advice and consent of both houses of the senate in this present council assembled, and by the authority of the same, that when and as often as this kingdom shall be engaged in war with any kingdom or state in Europe, (over and above the ships of war for the line of battle, and for convoys to remote parts,) such a number of ships of war as shall be sufficient for the protection and security of the merchant-ships, in their going out and returning home, shall be constantly employed as cruisers, or for convoys, in and near the British Channel and soundings, and in such other stations on this side cape Finisterre, as shall by the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain for the time being, be judged most proper for that purpose; the aforesaid ships of war to be careened at least [three] times in the year, or oftener, if there be occasion; and that the seamen on board any such cruisers shall not be turned over into any other ship or ships, but such only as shall be appointed for cruising, or home convoys, according to the tenour of this act.

(2.) "Provided always, and be it enacted by the authority aforesaid, that nothing herein contained shall restrain, or be construed to restrain, the lord high admiral or commissioners for executing the office of lord high admiral for the time being, from directing any of the ships which shall be appointed to be cruisers in pursuance of this act, to be employed in the line of battle, (in case of great necessity,)

on this side cape Finisterre, without whose immediate direction, the said ships shall be always cruising, or employed as home convoys, except when they are careening or refitting.

(3.) "And be it enacted by the authority aforesaid, that the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, shall, on or before the [first day of July next] authorize and appoint a commissioner of the navy, or some one or more person or persons, who shall constantly reside at such place or places as his majesty shall direct; by virtue of which appointment, such person or persons, in the place or places for which he or they shall be appointed, shall superintend or oversee every thing relating to the aforesaid cruisers; and shall take care that every thing necessary be immediately provided for all and every the aforesaid cruising ships of war, that shall come into any port by stress of weather, or to careen or refit; and as soon as they or any of them are refitted, shall order all or any of the said ships of war to put to sea again as soon as possible.

(4.) "And be it farther enacted by the authority aforesaid, that from and after the said [first day of July] if any captain, or other officer on board any of his majesty's ships of war, shall wilfully spring, carry away, or lose any mast or masts of any such ship[a], or shall make any false pretence or excuse for leaving the station on which such ship or ships shall be appointed to cruise, or shall return into port before the expiration of the term appointed for his cruise, without just and sufficient reason for so doing, every captain or officer offending in any of the aforesaid cases, [shall be punished by fine, imprisonment, or otherwise, as the offence by a court-martial shall be adjudged to deserve.]

(5.) "And to the intent that it may be the more easily known what service the aforesaid cruisers shall every year perform, be it enacted by the authority aforesaid, that the commissioner of the navy in each of the outports, or such person or persons as shall, for that purpose, be appointed

[a] Left out, *or ships*.

by the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, shall transmit to him or them, every [three months] a distinct and separate account digested into proper columns, of the time when any of the ships appointed to be cruisers, sailed out of port, when such ship came in, together with the number of days, cast up, that such ship was out upon duty, and the reasons of her putting into port, and the time and reasons of her stay there; with an account how often, and the times when each of the said ships have been careened every year; and that the lord high admiral, or commissioners for executing the office of lord high admiral, for the time being, shall cause copies of the said accounts to be laid before both houses of the senate within [eight days] after their meeting.

(6.) "And be it farther enacted by the authority aforesaid, that the lord high admiral, or commissioners for executing the office of lord high admiral, for the time being, shall, on or before the said [first day of July] nominate and appoint such a number of the ships of war, as shall be sufficient for the purposes aforementioned, to be cruisers or convoys on this side cape Finisterre for the current year; and shall afterwards yearly, and every year, during the present or any future war, between the [first day of November] and the [first day of December] nominate and appoint a sufficient number of ships of war to be cruisers or convoys on this side cape Finisterre for the year ensuing; and as often as any of them shall happen to be taken or lost, shall, as soon as may be, appoint others in the room of every ship so taken or lost.

(7.) "And whereas it is of the utmost importance to the trade of this nation, that the captains or commanders of his majesty's ships of war appointed for convoys to and from remote parts, should take due care of the merchant ships committed to their charge; be it, therefore, enacted by the authority aforesaid, that every captain or commander of any of his majesty's ships of war, who, on or after the bill shall commence, shall be appointed convoy or guard to any merchant ships or vessels, or who shall have

any merchant ships or vessels under his charge, do and shall diligently attend upon such charge without delay, and in and during the course of the voyage take the utmost care of such merchant ships and vessels, and do and shall every evening see that the whole number of the said merchant ships and vessels under his convoy be in company with him; and in case he shall be obliged in the night time to tack, or alter his course, or lie-to, that he do and shall make the proper signals, to give the merchant ships and vessels, under his convoy, notice thereof; and if in the morning he shall find any of the said merchant ships and vessels to be missing, he shall use his utmost endeavours to rejoin them, and shall not willingly or negligently sail away from, leave, or forsake such merchant ships or vessels, until he has seen them safe, so far as he shall be directed to convoy them; and in case any of the said merchant ships or vessels shall be in distress, he shall give them all proper and necessary relief and assistance, as far as he is able; and in case any such captain or commanding officer shall refuse or neglect to do all or any of the matters aforesaid, every such captain or commanding officer shall [be condemned to make reparation of the damage to the merchants, owners, and others, as the court of admiralty shall adjudge; and also be punished according to the quality of his offence, as shall be adjudged fit by a court-martial.]

(8.) "And whereas it is of the utmost importance to our settlements in America, and the trade thereof[b], that the commanders of the ships stationed there, should use their best endeavours for the protection and security of such trade, [and the colonies there;] be it farther enacted by the authority aforesaid, that[c] none of his majesty's ships, which shall be stationed at any of the said settlements, shall quit or leave their stations under pretence of going to careen or refit, or under any other pretence whatsoever, without an especial order from the lord high admiral, or commissioners for executing the office of lord high admi-

[b] Left out, "in time of war."

[c] Left out, "during the continuance of any such war."

ral, (or the commander in chief of his majesty's ships of war in those seas, or in America[d],) for the time being[e].

(9.) "And to the end that it may appear what service the ships so stationed shall perform, be it enacted by the authority aforesaid, that the captain or commanding officer on board every such ship or vessel, shall keep a distinct and separate account, digested into proper columns, of the times when the said ship or vessel sailed out of port, when such ship or vessel came in, the service she was upon, together with the number of days cast up, that such ship or vessel was out upon such duty, and shall cause the same to be fairly entered in one or more book or books, to be kept for that purpose; such entries to be digested in proper columns, and to be [every six months] transmitted[f] to the captain or commanding officer of every such station ship, to the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, and shall also send duplicates of the said accounts at the first opportunity.

[g](10.) "And be it farther enacted by the authority aforesaid, that the commanders of his majesty's ships of war, on their arrival at any of the said settlements, shall deliver a copy of the orders they shall have received from the lord high admiral, or commissioners for executing the office of lord high admiral of Britain for the time being, so far as they relate to the protection of the said colonies, and of the trade of the said colonies, to the governour and council of the respective colony or plantation where they shall be stationed; which orders shall be entered into the council books of such colony or plantation respectively; and the said governour and council are hereby authorized and empowered to give such directions in writing to the captains and commanders of such stationed ships, as they shall think will be most for the protection and security of

[d] These words were added.

[e] Left out, "or unless the commander or commanders of such ship or ships shall be ordered off their station, to be employed in the line of battle in the American seas, which shall not be done, but in cases of the greatest necessity."

[f] Left out, "together with the duplicates thereof."

[g] This clause was added in the committee.

their trade: and the said captains and commanders are hereby required to conform to, and observe the same, provided the same do not contradict the instructions they shall have received from the said lord high admiral, or commissioners for executing the office of lord high admiral for the time being."

HOUSE OF LORDS, JUNE 1, 1742.

The bill for the security and protection of trade and navigation being this day read a second time in the house of lords, the earl of Winchelsea, who had lately accepted the chair at the admiralty board, rose and spoke as follows:

My lords, I know not by what accident the numerous defects and general impropriety of this bill have escaped the attention of the other house; nor is there any necessity for examining the motives upon which it passed, or of inquiring whether its reception was facilitated by the popularity of the title, the influence and authority of those by whom it was proposed, or the imaginary defects of our present regulations, which have been on some occasions represented to be such as it is scarcely possible to change but for the better.

The knowledge and experience of those who concurred in sending this bill for your lordships' approbation, cannot but produce some degree of prepossession in its favour; for how can it be imagined, my lords, that men of great abilities and continual opportunities of observation, should not be well versed in questions relating chiefly to their private interest, and discover the nearest way to their own success!

And yet, my lords, it will be found that their sagacity has, perhaps, never so apparently forsaken them as on this occasion, that no proposition was ever laid before this house, in which more contracted motives were discovered, and that the bill is such as might rather have been expected from petty traders, unacquainted with the situation

of kingdoms, the interests of princes, the arts of policy, the laws of their own country, and the conduct of former wars; than by merchants of extensive traffick, general correspondence, and great attainments.

Before I proceed, my lords, to confirm the character of the bill by a distinct consideration of the particular paragraphs, and an enumeration of the several improprieties and defects which may be found in it, I think it not superfluous or unseasonable to remark one general errour, common to this with all other laws of the same kind, the errour of prescribing rules to military operations, of attempting to fix what is, in its own nature, variable, as it must depend upon external causes to which the British legislature has yet found no means of extending its authority.

To direct, upon remote conjectures and uncertain prospects, the conduct of a commander, is, in my opinion, my lords, not more rational than to trace upon a chart the course of a ship, and pronounce it criminal to deviate from it. The one supposes a foreknowledge of the motions of the wind, and the other of the counsels of our enemies; nor can any thing be expected from such regulations, but overthrow and disgrace. I believe, my lords, that in running over the histories of the world, and examining the originals of the mightiest empires, and the sudden revolutions which have been produced by the overpowering torrents of war, which, at different periods of time, have swept the powers of the earth before them, it will be found that all rapid conquests, and sudden extensions of empire, have been effected by sovereign princes at the head of armies which acted only by immediate command, that few memorable actions have been performed by delegated commanders, and that of those few whose names have descended to posterity, those have generally been most successful who were invested with the largest powers, who acted without control, and were at liberty to snatch every opportunity, and improve every favourable conjuncture, without any necessity of communicating their schemes, of waiting for the result of tedious deliberations, or of soliciting a relaxation of former orders.

But, my lords, though, perhaps, all positive prescriptions of the conduct of military undertakings have a tendency rather to obstruct than promote success, yet as they may be drawn up with different degrees of wisdom and sagacity, they may have a greater or less appearance of usefulness and reason. Such as have been well concerted may afford useful hints, though they ought not to be enacted with indispensable obligations. And to consider even those in which less proofs of skill and foresight can be discovered, may have, at least, this advantage, that the proposals may not be speedily repeated, nor our counsels embarrassed with absurd expedients. I shall, therefore, lay before your lordships my opinion of every paragraph, and show what are the objections which may be raised, both to the whole bill in general, and to its particular clauses.

To the bill in general, it must be objected, that it is filled with vague expressions, and ideas so indeterminate, that no man can tell when he has obeyed it. Here are many rules ordered to be observed, when *there shall be no just and sufficient reason* for neglecting them, and some operations to be performed as often *as there shall be occasion*, and ships are to cruise in a certain latitude, unless *there is a necessity of employing them elsewhere.*

Did not the title of this bill, my lords, give it some claim to a serious consideration; and did not the integrity and capacity of those by whom it was drawn up, exempt them from contempt and ridicule, I should be inclined to treat a law like this with some degree of levity; for who, my lords, can be serious when his consent is desired to a bill, by which it is enacted, that men shall act on certain occasions, as they shall think most expedient?

Nor is this, my lords, the only instance of precipitancy and want of consideration, for many of the injunctions are without any penal sanction; so that though we should pass this bill with the greatest unanimity, we should only declare our opinion, or offer our advice, but should make no law, or what, with regard to the purposes of government, is the same, a law which may be broken without danger.

But general objections, my lords, will naturally produce

general evasions; and a debate may be prolonged without producing any clear view of the subject, or any satisfactory decision of a single question: I shall, therefore, endeavour to range my objections in order, and, by examining singly every paragraph of the bill, show the weakness of some expedients, the superfluity of others, and the general unfitness of the whole to produce the protection and security intended by it.

In the first clause alone may be found instances of all the improprieties which I have mentioned to your lordships. It is proposed that in a time of war between this empire and any other state, such a number of ships shall be employed as cruisers or convoys in the Channel, as the admiralty shall judge most proper for that purpose. What is this, my lords, but to continue to the admiralty the power which has been always executed? What is it but to enact that the ships shall be stationed in time of war as the commissioners of the admiralty shall determine and direct?

Of these ships, it is farther enacted, that they shall be careened three times a-year, or oftener if there shall be occasion; but it is not declared who shall judge of the necessity of careening, or who shall be punished for the neglect of it when it is requisite, or for the permission or command of it when it is superfluous.

There is yet another regulation, my lords, in this clause, which ought not to be passed without remark. It is provided, that the sailors employed in the cruisers and convoys in the Channel, shall not be turned over but to other cruisers and convoys; by which, I suppose, it was intended, that our outguards should be prevented from being weakened, and that our merchants should never be destitute of protection; an end truly laudable, and which deserves to be promoted by some establishment better concerted. The expedient now proposed, seems to have been contrived upon the supposition that the admiralty may not always be very solicitous for the safety of the merchants, and that, therefore, it is necessary to secure them by a law from the danger of being deprived of protection; for, upon the present establishment, the removal of men from one ship to

another must be made by the permission of the admiralty; and when the right of such permission shall by this law be taken away, what new security will the merchants obtain? The admiralty will still have the power, though not of turning over the men, yet of recalling the ships, and commerce suffer equally in either case.

By the second clause, my lords, there is still a power reserved to the admiralty, of dismissing these guardians of commerce from their stations, and employing them *in case of great necessity* in the line of battle, on this side cape Finisterre. Not to cavil, my lords, at the term of *great necessity*, of which it is apparent that the commissioners of the admiralty are to judge, I would desire to be informed what measures are to be taken, if a royal navy should unluckily rove beyond this cape, which is marked out as the utmost bound of the power of the admiralty, and should there be reduced to the necessity of engaging desperately with a superiour force, or retiring ignominiously before it. Are not our ships to pass a single league beyond their limits, in the honour or preservation of their country? Are they to lie unactive within the sound of the battle, and wait for their enemies on this side the cape?

The third clause, my lords, is, if not absurd like the former, yet so imperfectly drawn up, that it can produce no advantage; for of what use will it be to station an officer *where his majesty shall think fit?* At all the royal docks there are officers already stationed, and in any other place what can an officer, deputed by his majesty, do more than hire workmen, who will as cheerfully and as diligently serve any other person? And why may not the captain of the vessel procure necessaries for money, without the assistance of a commissioner?

In the fourth clause, my lords, nothing is proposed but what is every day practised, nor any authority conferred upon the court of admiralty, than that which it always possessed, of punishing those who disobey their orders. The provision against the crime of wilfully springing a mast, is at least useless; for when did any man admit that he sprung his mast by design? Or why should it be imagined that

such an act of wickedness, such flagrant breach of trust, and apparent desertion of duty, would in the present state of the navy escape the severest punishment? Would not all the officers and mariners on board the ship see that such a thing was wilfully done? Would not they cry out—"You are springing the mast," and prevent it, or discover the crime, and demand punishment?

The fifth clause, my lords, is without any penal sanction, and, therefore, cannot be compulsive; nor is any thing of importance proposed in it, which is not already in the power of the senate. Either house may now demand an account of the stations and employments of the ships of war; nor does the senate now omit to examine the conduct of our naval affairs, but because our attention is diverted by more important employments, which will not by this bill be contracted or facilitated.

The use of the provision in the sixth clause, my lords, I am not able to conceive; for to what purpose, my lords, should the ships appointed for any particular service be nominated at any stated time? What consequence can such declarations of our designs produce, but that of informing our enemies what force they ought to provide against us? In war, my lords, that commander has generally been esteemed most prudent, who keeps his designs most secret, and assaults the enemy in an unguarded quarter, with superiour and unexpected strength.

In the seventh clause, many regulations are prescribed to the commanders of those ships which are appointed to convoy the trading vessels. These regulations, my lords, are not all equally unreasonable, but some of them are such as it may, on many occasions, be impossible for the commanders of his majesty's ships to observe in such a manner as that the masters of merchant ships may not imagine themselves neglected or forsaken. The captain of the convoy may be, therefore, harassed by them with prosecutions, in which it may be difficult to make his innocence appear. The convoy may be sometimes accused of deserting the traders, when the traders in reality have forsaken the convoy, in confidence that they should either arrive

safe at the port without protection, or be able, if they should happen to fall into the enemy's hands, to charge their misfortune upon the negligence of their protector.

The eighth clause, my lords, is so far from being such as might be expected from merchants, that it seems rather to have been drawn up by men who never saw the sea, nor heard of the violence of a storm. For who that had the slightest idea of the uncertainty and hazard of a sailor's condition, who that had been ever told of a shipwreck, or but looked on the pictures of naval distress, would propose that no ship should retire to a harbour, or quit the station to which it was assigned, *on any pretence whatsoever* without permission, which sometimes could not be obtained in many months, and which never could be received soon enough to allow of a remedy for sudden disasters, or pressing calamities. It might with equal reason be enacted, that no man should extinguish a fire without an act of the senate, or repel a thief from his window, without a commission of array.

It is happy, my lords, that this clause is not enforced by a penalty, and, therefore, can never have the obligatory sanction of a law; but since it may reasonably be supposed, that the authors of it intended that the observation should be by some means or other enjoined, let us examine how much security it would add to our navigation, and how much strength to our naval power, if the breach of it had been made capital, which is in itself by no means unreasonable; for what punishment less than death can secure the observation of a law, which, without the hazard of life, cannot be obeyed?

Let us, therefore, my lords, suppose a crew of gallant sailors surprised in their cruise by such a hurricane as is frequent in the American seas, which the highest perfection of skill, and the utmost exertion of industry has scarcely enabled them to escape; let us consider them now with their masts broken, their ship shattered, and their artillery thrown into the sea, unable any longer either to oppose an enemy, or to resist the waves, and yet forbidden to approach the land, and cut off from all possibility of relief,

till they have represented their distress to some distant power, and received a gracious permission to save their lives.

Misery like this, my lords, admits no exaggeration, nor need I dwell long on the absurdity of establishing regulations which cannot be observed, and which if they were enforced by any sanctions, proportioned, as all penal sanctions ought to be, to the temptations of violating them, must drive all our sailors into foreign service, or urge them, upon the first distress, to defiance of law, and fill America with pirates, and with rebels.

By the ninth clause, my lords, nothing is proposed but a relaxation of the present discipline. It requires, that the commanders of ships of war shall send only once in six months those accounts of their conduct and their service, which they are at present obliged to transmit by every ship that returns from America; so that by passing this bill, we shall only be disabled from receiving regular and seasonable informations of the transactions of our distant squadrons and colonies, shall be disturbed with groundless suspicions, and tortured with unnecessary suspense.

I have arrived at length at the last clause, a clause, my lords, worthy to be the concluding paragraph of a bill like this; a clause in which the power of the admiralty is communicated to the governours of our colonies; men, my lords, not hitherto much celebrated for their superiour wisdom, moderation, or integrity; of whom, at least, it is no reproach to assert, that they are known to be, for the most part, wholly unacquainted with maritime affairs, and very little famed for military knowledge; and of whom it is above all to be considered, that they generally commence merchants at their arrival in America, and may more probably direct ships sent to guard the colonies, to stations in which they may preserve their own vessels, than to those where they may contribute most to the general security of trade.

Thus, my lords, I have examined without prejudice every paragraph of this bill, and believe, that from the objections which I have made, it appears now plainly to your lordships, that all the regulations which are of any use, are

such as are already established by long custom, or by former statutes; and such, therefore, as it is unnecessary to mention in a new law; and that whatever is here to be found new, is absurd, unintelligible, or pernicious.

This bill, my lords, is said to be founded on the act made for the same purpose, in the wars of the queen Anne; but I cannot forbear to observe, that the original law, though not one of those to which much of the success of that war is to be ascribed, was drawn up with more discernment than the bill before us. It was, at least, intelligible; the number of cruisers was limited, and it was, therefore, possible to know when it was obeyed; but of this bill I can confidently assert, that as no man can understand, so no man can observe it.

I have spoken more largely, my lords, on this occasion, because this bill relates particularly to my present employment, in which, as I desire to do my duty, I desire to know it; and, surely, I cannot be condemned by your lordships for opposing a bill, of which the only tendency is to make my province difficult, to render one part of my office inconsistent with another, and engage me in the task of superintending the execution of impracticable measures.

What influence my arguments will have upon your lordships, I cannot foresee. As every man flatters himself that his own opinions are right, I hope to find this house concurring in my sentiments; but whatever may be the determination of your lordships, I am so fully convinced of the pernicious tendency of this bill, and the embarrassments which must be produced by an attempt to execute it, that if it be not rejected by this house, I shall willingly resign my office to others of more courage, or of greater abilities; for I can have no hopes of performing my duty under these restrictions, either to my own honour, or to the advantage of my country.

The duke of BEDFORD spoke next, to the following effect:—My lords, though the noble lord has produced very specious arguments against every paragraph of the bill before us, and though many of his observations are just, and

some of his objections not easily to be answered, yet I cannot admit that it will produce those fatal consequences which he seems to foresee, nor am yet convinced that it will be either pernicious or useless.

It has always, my lords, been the practice of this house, to attend to every proposal for the publick advantage, to consider it without any regard to the character of those by whom it is offered, and to approve or reject it upon no other motives than those of justice and reason.

The same equity and prudence has always influenced your lordships to distinguish between the several parts of the same bill; to reject those expedients, of which, however plausible, either experience or reason may discover the impropriety, and to retain those from which any real benefit can reasonably be expected. We should never throw away gold because it is mingled with dross, or refuse to promote the happiness of the nation, because the expedients which were offered for that end happened to be conjoined with some others of a disputable nature.

By the prosecution of this method, a method, my lords, too rational and just to be neglected or forgotten, I doubt not but this bill, which, as I shall readily admit, is not yet perfect, may be improved into a law, from which the nation will receive great advantages, by which our trade will be extended, and our riches increased.

Many of the clauses, my lords, may, in my opinion, admit of an easy vindication, others may be amended by very slight alterations, and very few are either wholly useless, or manifestly improper.

The chief defect of the first clause is such, that the noble lord has, by declaring his disapprobation of it, given a very uncommon proof of his integrity, disinterestedness, and moderation; for it is imperfect only by placing too much confidence in the admiralty, which is left in full power to determine the number of cruisers in or near the Channel and soundings.

The noble lord has remarked, that the act of queen Anne, on which the present bill is founded, exacted a determinate number of ships to be employed in this particu-

lar service, and that it was, therefore, more prudently drawn up than the present bill. But I cannot see the wisdom of diminishing the authority of the lord high admiral; for had that act been extended in the same manner to other services, it would have left him only the name and shadow of an office, without power and without use.

This clause, my lords, rightly understood, is only a declaration of confidence in his majesty's officers, an evident confession of their abilities to discern the interest of the publick, and of their zeal for the prosecution of it.

With as little reason, my lords, can it be objected, that the ships are required to be careened three times a-year. The necessity of careening frequently those ships, of which the chief use arises from their celerity, every sailor can declare to your lordships; nor will any man whom his employments or his amusements have made acquainted with navigation, allege that any thing is proposed in the bill, which it would not be detrimental to the publick service to neglect.

It has been objected by the noble lord, that they are directed to be careened *oftener, if there be occasion;* terms by which a discretionary power is implied, of which yet it does not appear in whose hands it is lodged. Let us consider, my lords, what inconvenience can arise from the clause as it now stands, and what corruption or negligence can be encouraged by it.

The discretionary right of bringing the ship into the ports to be careened oftener than thrice a-year, must be, without controversy, placed in the captain; for none but those that are in the ship can discover the necessity of careening it, or know the inconveniencies that are produced by the adhesion of extraneous substances to its sides and bottom.

I own, my lords, it may be objected, that every captain will, by this clause, be furnished with an excuse for deserting his station at pleasure; that under pretence of uncommon ardour to pursue the enemy, he may waste his time in endless preparations for expedition; that he may loiter in the port to careen his ship; that before it is foul he may

bring it back again, and employ the crew in the same operation; and that our merchants may be taken at the mouth of the harbours in which our ships of war lie to be careened.

But, my lords, it is to be remembered, that in the third clause a commissioner is appointed, by whom accounts are regularly to be transmitted to the admiralty, of the arrival and departure of every ship, and by whom the conduct of every captain is to be inspected; and that he may easily detect such truant commanders, as shall careen their ships only for the sake of deserting their stations.

Nor can the merchants suffer by any negligence or corruption of the captains, because it is intended that the place of every ship returning into port shall be supplied by another; and that the same number shall be always in the same station, unless more important service makes them more necessary in another place.

This proviso, my lords, a proviso undoubtedly reasonable, is established in the second clause, but has not had the good fortune to escape the censure of the noble lord, who has inquired, what must be the conduct of the commanders of cruising vessels, if a seafight should happen beyond the cape, which they are in this clause forbidden to pass?

That the clause may admit of expressions not only more proper, but more agreeable to the intention of those by whom it was drawn up, I cannot deny; for I suppose it very far from their design to limit the operations of our navy to any part of the ocean, and am confident that they meant only that the cruisers should not be despatched to such a distance from their stations, as that our coasts should be left long unguarded, or the enemy have time to collect his forces, and pour his navies or his privateers upon our defenceless traders.

If by the commissioners mentioned in the third clause be intended a new swarm of officers, the proposition is such as I confess myself very far from approving; for it will be to little purpose that we protect the trade, if we invent new commissioners to devour its profits; nor can we hope for any other consequence from additional wealth, if it be procured by increasing the influence of the crown, but that

we should become a more tempting prey to the harpies of a court.

But, my lords, to accomplish all that is intended by this clause, there is not any need of new officers; for there are not many ports in which ships of war can be commodiously careened, and perhaps there is not one which can be used for this purpose, in which there is not already some officer of the crown, whose employment allows him leisure sufficient for the execution of a new charge, and whose present salary will afford an ample recompense for some casual addition of employment.

The fourth clause, in which is provided that no commander shall wilfully spring his mast, or desert his station, is such as I should be willing, with the noble lord, to think unnecessary; but must appeal to your lordships, whether the late conduct of the convoys has not too evidently shown the defect of our present establishment.

The injuries, my lords, which the publick may suffer by the negligence of the commanders of the ships of war, are such as it is worthy of the legislature to obviate with the utmost caution; and, therefore, it is by no means improper to enact a punishment for those who shall, upon any false pretences, leave their station; for though such neglect of duty is, in the present state of our naval establishment, considered as disreputable and irregular, yet it does not appear that it has been censured with the detestation which it deserves, or punished with the severity necessary to its prevention.

It is observed, my lords, with relation to the following paragraph, that either house may, at present, require accounts of the conduct of the captains of the navy, and that, therefore, it is unnecessary to provide, by any new law, that they shall be laid before them; but if it be considered, my lords, how many inquiries, which we have a right to make, are year after year constantly omitted, and how many may be excited by curiosity to read accounts which lie before them, who yet will not move the house to demand the accounts, or engage in the debate which such a motion may produce, it will not be thought unnecessary to

provide, that they shall be subject to examination without the formality of a regular vote.

As to the sixth clause, my lords, which regards the nomination of convoys at a certain time, I can discover no reasonable objection to such a provision, or none that can preponderate against the advantages which may arise from it. By the certain establishment of convoys, the value of insurance may be nearly fixed; merchants will know what confidence is to be reposed in the force of the ships, and, what they have, perhaps, had of late equal reason to examine, how much trust can be placed in the fidelity of the commanders.

The nomination of convoys, my lords, is, in my opinion, more likely to affright our enemies, and to deter their attempts, than to encourage them by the information which it will afford them; for nothing but our own negligence can conceal from us the naval strength of any power on earth; and we may always, while we are careful to preserve our maritime superiority, protect our merchants so powerfully, that none of our enemies shall be incited to attack them by the knowledge of the number and force of the ships appointed for their defence.

I come now, my lords, to the seventh clause; and surely to ascertain the duties of the captains to whose protection our trading vessels are intrusted, cannot appear superfluous to any of your lordships, who have read the lists of our losses, heard the complaints of our merchants, or made any inquiry into the conduct of our sea captains. There is, I fear, too much reason to believe, that some of them have, with premeditated design, deserted the traders in places where they have known them most exposed to the incursions of the enemy; and it is to the last degree evident, that others have manifested such contempt of the merchants, and such a disregard of their interest, as may most justly expose them to the suspicion of very criminal negligence, of negligence which no community can be too watchful against, or too severely punish.

It has been affirmed by the noble lord, that it is not equitable to subject the commanders of convoys to penal-

ties for the loss of the trading vessels, which may, perhaps, either rashly or negligently quit their protection. That it is not reasonable to subject them to penalties, is undoubtedly true; but, my lords, it is far from being equally certain, that it is not just to expose them to a trial, in a case in which it must be almost impossible to determine falsely; in a case where the crews of, perhaps, twenty ships may be called as witnesses of their conduct, and where none, but those whose ship is lost, can be under the least temptation to offer a false testimony against them.

On this occasion, my lords, it may not be improper to obviate the objection produced by the seeming omission of penal sanctions, which is only another proof of implicit confidence in the officers of the admiralty, who have already the power, allowed to military courts, of proceeding against those who shall deviate from their orders. This power, which is in a great degree discretionary, it was thought improper to limit, by ascertaining the punishment of crimes, which so many circumstances may aggravate or diminish; and, therefore, in my opinion, this clause is far from being so defective as the noble lord represented it.

The last three clauses, by which the ships in America are prohibited to leave their station, by which it is required that accounts should be once in six months transmitted to the admiralty, and by which the captains are subjected to the command of the governours of our colonies, are, in my opinion, justly to be censured. The first is impossible to be observed, the second is unnecessary, and the third will probably produce more inconveniencies than benefits.

Thus, my lords, I have endeavoured to show, that this bill, though not perfect, is yet such as, with some emendations, may produce great advantages to the traders of this empire. For, though it is undoubtedly a just observation, that the success of military attempts cannot be promoted by rigid restrictions and minute regulations, yet it is equally certain that no nation has yet been so fortunate as to be served by men of integrity superiour to laws, or of wisdom superiour to instructions; and every government has found it necessary to direct the conduct of its

officers by general rules, though they have been allowed to comply with particular circumstances, and to give way to sudden accidents.

I think it, therefore, my lords, necessary to propose, that this bill shall be more particularly examined in a committee, that, after having received the necessary explanations and amendments, it may be referred again to the other house.

Lord DELAWARE rose next, and spoke to the purpose following:—My lords, the noble duke has, by his arguments in favour of this bill, given a very eminent proof of great abilities; he has shown every clause in that light which may least expose to view its improprieties and defects; but has at length only shown, that it is not impossible to make a useful law, for the purposes mentioned in the title of this bill; not that any of the expedients, now proposed, will afford the desired advantage to the publick, or obviate any of the inconveniencies of which the traders have been so long and so importunately complaining.

This bill, my lords, is, indeed, founded upon a law made in a reign celebrated for the wisdom of our conduct and the success of our arms; but it will not, I suppose, be asserted, that nothing was, even in that period, ill conducted; nor will it be an argument, sufficient for the justification of an expedient, that it was practised in the victorious reign of queen Anne.

If we inquire into the consequences of that law, we shall find no inducement to revive it on this or any future occasion. For it had no other effect than that of exposing us to our enemies by dividing our forces; a disadvantage of which we soon found the effects, by the loss of two large ships of seventy guns, and of a multitude of trading vessels, which, by that diminution of our naval armament, necessarily fell into the hands of privateers and small cruisers, that ravaged the ocean without fear or molestation.

If we examine the present establishment of our navy, my lords, it will be discovered, that nothing is proposed in this bill, which is not more efficaciously performed by the methods now in use, and more judiciously established by

laws, of which long experience has shown the usefulness. This, my lords, will easily appear from the perusal of the orders which every commander of a convoy regularly receives, and of the printed rules, established by his majesty in council, for the royal navy.

In these, my lords, much more is comprehended than can properly be inferred in a law not occasionally variable; nor do I think any thing omitted, which an experienced and candid inquirer will think useful to the increase of our naval strength, or necessary to the protection of our commerce.

In considering this bill, I shall not trouble your lordships with a minute consideration of every single paragraph, though every paragraph might furnish opportunity for animadversions; but shall content myself with endeavouring to evince the reasonableness of some of the objections made by the noble lord who spoke first, and enforcing his opinion with such arguments as have occurred to me, though, indeed, it requires no uncommon sagacity to discover, or superiour skill in ratiocination to prove, that where this bill will produce any alteration in our present scheme, it will manifestly change it for the worse.

For surely, my lords, it will not be necessary to show, by any elaborate and refined reasoning, the absurdity of confining cruisers to particular stations, with an absolute prohibition to depart from them, whatever may be the certainty of destruction, or prospect of advantage.

If the intention of cruising ships is to annoy the enemies of the nation, ought they to be deprived of the liberty of pursuing them? If they are designed for the protection of our merchants, must they not be allowed to attend them till they are out of danger.

Every one, my lords, has had opportunities of observing, that there are men who are wholly engrossed by the present moment, and who, if they can procure immoderate profit, or escape any impending danger, are without the least solicitude with regard to futurity, and who, therefore, live only by the hour, without any general scheme of conduct, or solid foundation of lasting happiness, and who,

consequently, are for ever obliged to vary their measures, and obviate every new accident by some new contrivance.

By men of this disposition, my lords, a temper by which they are certainly very little qualified for legislators, the bill now before us seems to have been drawn up; for their attention is evidently so engaged by the present occurrences, that there is no place left for any regard to distant contingencies. The conclusion of this war is to them the period of human existence, the end of all discord and all policy. They consider Spain as the only enemy with whom we can ever be at variance, and have, therefore, drawn up a law, a law without any limitation of time, to enable us to oppose her. They have with great industry and long searches discovered, that cruisers on this side cape Finisterre, may be of use against the Spaniards, and propose, therefore, that in all times of war they are to be despatched to that individual station, though we should be engaged in disputes with the northern crowns, or fit out fleets to make conquests in the East Indies.

In all our wars, my lords, however judiciously concerted, and however happily concluded, the pleasures of success have been abated by the mortification of losses, and some complaints have been at all times mingled with the shouts of triumph. How much soever the glory of the nation has been elevated, the fortunes of particular persons have been impaired, and those have never thought themselves recompensed by the general advantages of the publick, who have suffered by the acquisition of them; they have always imagined themselves marked out for ruin by malevolence and resentment, and have concluded that those disasters which fell upon them only by the common chance of war, were brought on them by negligence or design.

The losses of our merchants in the present war must be acknowledged to have been more than common, but if we examine accurately into the causes that may be assigned for so great a number of captures, we shall find them such as this law will have no tendency to remove, such as might be easily imagined before the commencement of hostilities,

and such as it will be extremely difficult on any future occasion of the same kind, to hinder from producing the same effects.

The first and greatest cause, my lords, of the number of our losses, is the number of our ships, which cannot all be sufficiently protected. The extent, therefore, of our commerce, in proportion to that of our enemies, exposes us to double disadvantage; we necessarily lie open in more parts to the depredations of privateers, and have no encouragement to attempt reprisals, because they have few ships of value to be seized. The profit of our commerce naturally withholds our sailors from our ships of war, and makes part of our navy an idle show; the certainty of plunder incites them to turn their merchant ships into cruisers, and to suspend their trade for more profitable employment. Thus they at once increase the number of plunderers, and take away from us the opportunity of repairing our losses by the same practice.

And, my lords, if the losses of our merchants have been greater than in former wars, our trade is more extensive, and our ships far more numerous. Nor is it to be forgotten that a very important part of our commerce is carried on before the eyes of the Spaniards, so that they may issue out upon our merchants from their own coasts, and retire immediately beyond danger of pursuit.

But, my lords, neither the situation of Spain, nor the extent of our commerce, would have made this war so destructive, had not our merchants sometimes facilitated the attempts of our enemies by their own negligence or avarice.

I have been informed, my lords, that as the masters of trading vessels complain of having been deserted by their convoys, the captains of the ships of war have, in their turn, exhibited such representations of the conduct of the trading masters, as may prove that their caution is not proportioned to their clamour, and that in however melancholy terms they may recount the miseries of captivity, the calamities of ruined families, and the interruption of the trade of Britain, they will not endeavour to escape their enemies at the expense of much circumspection, and that the pros-

pect of no large profit will be sufficient to overbalance the danger of those evils which they so pathetically lament.

It is not uncommon, my lords, when the fleet has entered the open seas, for the traders to take different courses both from the convoy and from each other, and to disperse themselves beyond the possibility of receiving assistance in danger or distress; and what wonder is it if part of them be lost, since only part of them can be protected?

It may be imagined, my lords, that this is only an excuse forged by the commanders to cover their own negligence or treachery. It may be asked, what motives could induce the merchants to expose themselves to unnecessary dangers, or what proofs they have ever given of such wild negligence of their own interest or safety, as that they should be suspected of rushing precipitately into the jaws of rapine?

This, my lords, is an objection specious in itself, and such as those who have not inquired into the present state of our traffick will not very readily discover to be fallacious; but it may easily be removed, by showing that the danger of being taken by the enemy is generally not so great to those who have the direction of the ship as it is commonly believed.

By the present custom of insurance, my lords, the merchant exempts himself from the hazard of great losses, and if he insures so much of the value of the ship and cargo, that the chance of arriving first at market is equivalent to the remaining part, what shall hinder him from pressing forward at all events, and directing his course intrepidly through seas crowded with enemies?

It is well known, my lords, that there is, in a great part of mankind, a secret malignity, which makes one unwilling to contribute to the advantage of another, even when his own interest will suffer no diminution; nor is it to be imagined, that this disposition is less predominant in traders than in the other classes of the community, though it is exerted on different occasions. The envy of one part of mankind is excited by reputation, or interest, or dignity, or power. The trader, for the most part, envies nothing

but money, in which he has been taught from his infancy that every human excellence is comprehended, and contributes to the increase of the riches of another, with the same unwillingness with which a soldier would concur in the advancement of an inferiour officer to a post of higher rank and authority than his own.

For this reason, my lords, there is generally a malevolence in the merchant against the insurer, whom he considers as an idle caterpillar, living without industry upon the labours of others, and, therefore, when he lays down the sum stipulated for security, he is almost in suspense, whether he should not prefer the loss of the remaining part of the value of his vessel to the mortification of seeing the insurer enjoy that money, which fear and caution have influenced him to pay.

This disposition, undoubtedly, inclines him to proceed with less regard to his own security, and betrays him into dangers which it was, at least, possible to avoid; for to what purpose, says he, have I insured my ship if I am not to be set free from the necessity of anxiety and caution? If I arrive safely at the port, I shall dispose of my commodities with uncommon advantage; if I miscarry, the insurer will at least suffer with me, and be deservedly punished for his suspicions and extortion.

I doubt not but some of your lordships will imagine, that I am now indulging chimerical speculations, that I am ascribing great force to weak motives, and supposing men to act upon principles which, in reality, never operated in the human breast. When I think disadvantageously of others, my lords, I am, indeed, always desirous to find myself mistaken, and shall be pleased to hear on this occasion from any of your lordships, who have conversed at large among mankind, that it is not common for one man to neglect his own interest for fear of promoting that of another. In the present question, my lords, I have only supposed that envy may be one motive among many, and wish its influence were so small, as that it might have been less proper to mention it.

The practice of insurance, my lords, whether it contri-

butes or not to the number of the captures, undoubtedly increases the clamour which they occasion; for as the loss is extended, the complaint is multiplied, and both the merchant and insurer take the liberty of censuring the conduct of the naval officers, and of condemning the measures of the government. The ministry is charged with neglecting the protection of commerce, with oppressing the merchants, and with conniving at the enemy's preparations; that they who most eagerly solicited the war, may be the first that shall repent it.

Another cause of the frequency of our losses in the present war, is the general circulation of intelligence throughout Europe, by which it is made impossible to conceal from our enemies the state of our armies, our navies, or our trade. Every regiment that is raised, every ship that is built, every fleet of trading vessels that lies waiting for the wind, is minutely registered in the papers of the week, and accounts of it transmitted to every nation of the world, where curiosity or interest will pay for information. The Spaniards, therefore, need only regulate their schemes according to their instructions from Britain, and watch those fleets which are frequently sent out, for they may be confident that some masters will wander from their protectors, enticed by avarice, negligence, or temerity, and that they shall have opportunities of enriching themselves without the necessity of engaging the convoy.

To protect ships which are to be steered each at the will of the master, is no less impossible, my lords, than to conduct an army of which every private man is at liberty to march according to his own caprice, to form and pursue his own plan of operation, and to dispute and neglect the orders of his leader. Nor is it more reasonable to subject the captains of the ships of war to penalties for the loss of a vessel, over which they have no authority, than to require from an officer in the army an account of the lives of men, who perished by disobeying his commands.

In my opinion, my lords, we might, with far greater probability of success, revive a precedent that may be found in the reign of king William, in which it was appointed by

an order of council, that the name of every ship which went out with a convoy should be registered, and that the owners should give security to provide a sufficient number of arms and a proper quantity of ammunition to assist the imperial ships in annoying or repelling the enemy; with one injunction more of the utmost importance to the efficacious protection of our commerce, and which, therefore, in every war ought to be repeated and enforced; an injunction by which the masters of the ships of trade were required to obey the directions of the commander of the convoy.

That some measures ought to be concerted for the preservation of our trade I am very far from denying, and shall willingly concur in such as shall to me appear likely to promote the end proposed by them. Our losses, my lords, are undoubtedly great, though I believe far less than they are reported by discontent and malevolence; for if a ship be delayed by an accidental hinderance, or kept back by contrary winds for a few days, there are men so watchful to snatch every opportunity of reproaching the measures of the government, that a clamour is immediately raised, the ship is taken, the merchants are sacrificed, and the nation betrayed.

While this report is conveyed from one to another, and, like other falsehoods, increasing in its progress; while every man adds some circumstance of exaggeration, or some new proof of the treachery of the ministry, the ship enters the port, and puts an end, indeed, to the anxiety of the owners and insurers, but by no means pacifies the people, or removes their prejudices against the conduct of their governours; for as no man acknowledges himself the first author of the report, no man thinks himself under any obligation to retract or confute it, and the passions of the multitude, being once in commotion, cannot be calmed before another opportunity of the same kind may be offered for agitating them afresh.

To the expectations of the people, my lords, it is always proper to have some regard, nor is there any valuable use of power but that of promoting happiness, and preventing

or removing calamities; but we are not to endeavour to pacify them by the appearance of redress, which, in reality, will only increase those evils of which they complain, nor to depress the reputation of this assembly by passing laws which the experience of a single month will prove to be of no use.

Of this kind, my lords, the bill now before us has been shown by the noble lord that spoke first on this occasion; by whom every clause has been discovered to be either defective or unnecessary, and who has evinced, beyond all possibility of reply, that the regulations here proposed can be divided only into two kinds, of which one is already established either by law or prescription, and the other cannot be admitted without apparent injury both to our navy and our trade.

Part of the clauses the noble duke has, indeed, attempted to defend, but has been obliged by his regard to reason and to truth, to make such concessions, as are, in my opinion, sufficient arguments for the rejection of the bill. He has admitted of almost every clause that it is imperfect, that it may be amended by farther consideration, and that, though not wholly to be neglected, it yet requires some farther improvements to become effectual to the advantage of our merchants.

The last three clauses, his natural abilities and just discernment immediately showed him to be indefensible; and he has too much regard to the interest of his country to attempt the vindication of a bill, which could not be passed without weakening it by impairing its naval force, and, yet more sensibly, by diminishing the reputation of its legislature.

I hope, therefore, my lords, that I shall not undergo the common censure of disregard to our commercial interest, or be ranked amongst the enemies of the merchants, though I declare, that in my opinion, this bill ought to be rejected as unnecessary and injudicious, and that we should only, by considering in a committee what no consideration can amend, waste that time in a fruitless attempt, which may be spent much more usefully upon other subjects.

Lord CARTERET spoke next, to the following purpose: —My lords, though I do not approve equally of every part of the bill now before us, though I think some of the provisions unnecessary, others unlikely to produce any beneficial effects, and some already established by former acts of the senate, or rules of the admiralty, yet I cannot agree with the noble lord that it is unworthy of farther consideration.

In my opinion, my lords, it is necessary, for many reasons, to amend this bill rather than reject it; and I hope, that when I shall have laid before you the result of those inquiries and those reflections which I have made on this occasion, your lordships will judge it not improper to refer it to a committee.

Nothing, my lords, is more necessary to the legislature than the affection and esteem of the people; all government consists in the authority of the *few* over the *many*, and authority, therefore, can be founded only on opinion, and must always fall to the ground, when that which supports it is taken away.

For this reason, my lords, it is worthy of this most august and awful assembly, to endeavour to convince the people of our solicitude for their happiness, and our compassion for their sufferings; lest we should seem elevated by the casual advantages of birth and fortune above regard to the lower classes of mankind; lest we should seem exalted above others only to neglect them, and invested with power only to exert it in acts of wanton oppression; lest high rank should in time produce hatred rather than reverence, and superiority of fortune only tempt rapine and excite rebellion.

The bill now under our consideration, my lords, cannot be rejected without danger of exasperating the nation, without affording to the discontented and malevolent an opportunity of representing this house as regardless of the publick miseries, and deaf to the cries of our fellow-subjects languishing in captivity, and mourning in poverty. The melancholy and dejected will naturally conceive us inebriated with affluence, and elated with dignity, endeavouring to remove

from our eyes every spectacle of misery, and to turn aside from those lamentations which may interrupt the enjoyment of our felicity.

Nor, indeed, can it be justly said, that such representations are without grounds, when we consider the important occasion on which this bill is drawn up, the bitterness of those calamities which it is intended to redress, and the authority by which it is recommended to us.

It may naturally be expected, my lords, that the title of a bill for the protection and security of trade, should raise an uncommon degree of ardour and attention; it might be conceived that every lord in this house would be ambitious of signalizing his zeal for the interest of his country, by proposing, on this occasion, every expedient which experience or information had suggested to him; and that instead of setting ourselves free from the labour of inquiry and the anxiety of deliberation, by raising objections to the bill and rejecting it, we should labour with unanimous endeavours, and incessant assiduity, to supply its defects, and correct its improprieties; to show that a design so beneficial can never be proposed to us without effect, and that whenever we find honest zeal, we shall be ready to assist it with judgment and experience.

Compassion might likewise concur to invigorate our endeavours on this occasion. For who, my lords, can reflect on families one day flourishing in affluence, and contributing to the general prosperity of their country, and on a sudden, without the crime of extravagance or negligence, reduced to penury and distress, harassed by creditors, and plundered by the vultures of the law, without wishing that such misfortunes might by some expedient be averted? But this, my lords, is not the only nor the greatest calamity, which this bill is intended to prevent. The loss of wealth, however grievous, is yet less to be dreaded than that of liberty, and indigence added to captivity is the highest degree of human misery. Yet even this, however dreadful, is now the lot of multitudes of our fellow-subjects, who are languishing with want in the prisons of Spain.

Surely, my lords, every proposal must be well received

that intends the prevention or relief of calamities like these. Surely the ruin of its merchants must alarm every trading nation, nor can a British senate sit unconcerned at the captivity of those men by whom liberty is chiefly supported.

Of the importance of the merchants, by whom this bill is recommended to our consideration, and by whose influence it has already passed the other house, it is not necessary to remind your lordships, who know, that to this class of men our nation is indebted for all the advantages that it possesses above those which we behold with compassion or contempt, for its wealth and power, and perhaps for its liberty and civility. To the merchants, my lords, we owe that our name is known beyond our own coasts, and that our influence is not confined to the narrow limits of a single island.

Let us not, therefore, my lords, reject with contempt what is proposed and solicited by men of this class; men whose experience and knowledge cannot but have enabled them to offer something useful and important, though, perhaps, for want of acquaintance with former laws, they may have imagined those provisions now first suggested, which have only been forgotten, and petitioned for the enaction of a new law, when they needed only an enforcement of former statutes.

That our naval force has, in the present war, been misapplied; that our commerce has been exposed to petty spoilers, in a degree never known before; that our convoys have been far from adding security to our traders; and that with the most powerful fleet in the world, we have suffered all that can fall upon the most defenceless nation, cannot be denied.

Nor is it any degree of temerity, my lords, to affirm, that these misfortunes have been brought upon us by either negligence or treachery; for, besides that no other cause can be assigned for the losses which a powerful people suffer from an enemy of inferiour force, there is the strongest authority for asserting, that our maritime affairs have been ill conducted, and that, therefore, the regulation of

them is very seasonably and properly solicited by the merchants.

For this assertion, my lords, we may produce the authority of the other house, by which a remonstrance was drawn up against the conduct of the commissioners of the admiralty. This alone ought to influence us to an accurate discussion of this affair. But when an authority yet more venerable is produced, when it appears that his majesty, by the dismission of the commissioners from their employments, admitted the justice of the representation of the commons, it surely can be of no use to evince, by arguments, the necessity of new regulations.

It is, indeed, certain, that men of integrity and prudence, men of ability to discern their duty, and of resolution to execute it, can receive very little assistance from rules and prescriptions; nor can I deny what the noble lord has affirmed, that they may be sometimes embarrassed in their measures, and hindered from snatching opportunities of success, and complying with emergent occasions; but, my lords, we are to consider mankind, not as we wish them, but as we find them, frequently corrupt, and always fallible.

If men were all honest and wise, laws of all kinds would be superfluous, a legislature would become useless, and our authority must cease for want of objects to employ it; but we find, my lords, that there are men whom nothing but laws and penalties can make supportable to society; that there are men, who, if they are not told their duty, will never know it, and who will, at last, only perform what they shall be punished for neglecting.

Were all men, like the noble lord whom I am now attempting to answer, vigilant to discover, sagacious to distinguish, and industrious to prosecute the interest of the publick, I should be very far from proposing that they should be constrained by rules, or required to follow any guide but their own reason; I should resign my own prosperity, and that of my country, implicitly into their hands, and rest in full security that nothing would be omitted that human wisdom could dictate for our advantage.

I am not persuading your lordships to lay restraints upon

virtue and prudence, but to consider how seldom virtue and authority are found together, how often prudence degenerates into selfishness, and all generous regard for the publick is contracted into narrow views of private interest. I am endeavouring to show, that since laws must be equally obligatory to all, it is the interest of the few good men to submit to restraints, which, though they may sometimes obstruct the influence of their virtue, will abundantly recompense them, by securing them from the mischiefs that wickedness, reigning almost without limits, and operating without opposition, might bring upon them.

It may not be improper to add, my lords, that no degree of human wisdom is exempt from errour; that he who claims the privilege of acting at discretion, subjects himself likewise to the necessity of answering for the consequences of his conduct, and that ill success will at least subject him to reproach and suspicion, from which, he whose conduct is regulated by established rules, may always have an opportunity of setting himself free.

Fixed and certain regulations are, therefore, my lords, useful to the wisest and best men; and to those whose abilities are less conspicuous, and whose integrity is at best doubtful, I suppose it will not be doubted that they are indispensably necessary.

Some of the expedients mentioned in this bill, I shall readily concur with the noble lord in censuring and rejecting; I am very far from thinking it expedient to invest the governours of our colonies with any new degree of power, or to subject the captains of our ships of war to their command. I have lived, my lords, to see many successions of those petty monarchs, and have known few whom I would willingly trust with the exercise of great authority. It is not uncommon, my lords, for those to be made cruel and capricious by power, who were moderate and prudent in lower stations; and if the effects of exaltation are to be feared even in good men, what may not be expected from it in those, whom nothing but a distant employment could secure from the laws, and who, if they had not been sent to America to govern, must probably have gone thither on a different occasion?

The noble duke, who has vindicated the bill with arguments to which very little can be added, and to which I believe nothing can be replied, has expressed his unwillingness to concur in any measures for the execution of which new officers must be appointed. An increase of officers, my lords, is, indeed, a dreadful sound, a sound that cannot but forebode the ruin of our country; the number of officers already established is abundantly sufficient for all useful purposes, nor can any addition be made but to the ruin of our constitution.

I am, therefore, of opinion, that no new officer was intended by those that drew up the bill, and that they proposed only to furnish those that loiter in our ports, at the expense of the publick, with an opportunity of earning their salaries by some useful employment.

I know not, indeed, my lords, whether any good effects can be reasonably hoped from this provision; whether men accustomed to connivance and negligence in affairs of less importance, ought to be trusted with the care of our naval preparations, and engaged in service, on which the prosperity of the publick may depend; and cannot conceal my apprehensions, that such men, if commissioned to superintend others, may themselves require a superintendent.

But, my lords, this and every other clause may, in a committee, be carefully examined and deliberately corrected; and since it appears evident to me, that some law is necessary for the security of our commerce, I think this bill ought not to be rejected without farther consideration.

Lord WINCHELSEA rose again, and spoke thus:—My lords, as the known sincerity of that noble lord allows no room for suspecting, that he would bestow any praises where he did not believe there was some desert, and as his penetration and acuteness secure him from being deceived by any false appearances of merit, I cannot but applaud myself for having obtained his esteem, which I hope will not be forfeited by my future conduct.

Having happily gained the regard of so exact a judge of mankind, I am the less solicitous what opinion may be conceived of my abilities or intentions by those whose cen-

sures I less fear, and whose praises I less value, and shall, therefore, cheerfully hazard any degree of popularity, which I may have hitherto possessed, by continuing my opposition to this bill, of which I am still convinced that it will produce nothing but embarrassment, losses, and disgrace.

The necessity of gaining and preserving the esteem of the people I very willingly allow, but am of opinion that though it may sometimes be gained by flattering their passions and complying with their importunities, by false appearances of relief, and momentary alleviations of their grievances, it is only to be preserved by real and permanent benefits, by a steady attention to the great ends of government, and a vigorous prosecution of the means by which they may be obtained, without regard to present prejudices or temporary clamours.

I believe, my lords, it will always be found that it is dangerous to gratify the people at their own expense, and to sacrifice their interest to their caprices; for I have so high a veneration of their wisdom, as to pronounce without scruple, that however they may, for a time, be deceived by artful misrepresentations, they will, at length, learn to esteem those most, who have the resolution to promote their happiness in opposition to their prejudices.

I am, therefore, confident, my lords, of regaining the popularity which I may lose by declaring, once more, that this bill ought to be rejected, since no endeavours shall be wanting to show how little it is necessary, by an effectual protection of every part of our trade, and a diligent provision for the naval service.

The duke of BEDFORD rose, and spoke to this effect:—My lords, I am convinced that this bill is very far from being either absurd or useless, nor can imagine that they by whom it was drawn up could fail of producing some expedients that may deserve consideration.

It is probable, that a farther inquiry may show the propriety of some clauses, which at present appear most liable to censure; and that, if we reject this bill thus precipitately, we shall condemn what we do not fully comprehend.

No clause appeared to me more unworthy of the judgment and penetration of the merchants than the last, nor was there any which I should have rejected at the first perusal with less regret; yet, having taken this opportunity of considering it a second time, I find it by no means indefensible, for the direction of ships stationed for the defence of our American territories, is not committed to the governours alone. The council of each province is joined with them in authority, by whom any private regards may be overborne, and who cannot be supposed to concur in any directions which will not promote the general interest of the colony.

I doubt not, my lords, but other clauses have been equally mistaken, and, therefore, think it necessary to consider them in a committee, where every lord may declare his sentiments, without the restraint of a formal debate, and where the bill may be deliberately revised, and accommodated more exactly to the present exigencies of the nation.

Lord WINCHELSEA spoke again, in substance as follows:—My lords, the only reason which has been urged for considering this bill in a committee, is the necessity of gratifying the merchants, and of showing our concern for the prosperity of commerce. If therefore it shall appear, that the merchants are indifferent with regard to its success, I hope it will be rejected without opposition.

I was this morning, my lords, informed by a merchant, who has many opportunities of acquainting himself with the opinions of the trading part of the nation, that they were fully convinced of the impossibility of adapting fixed rules to variable exigencies, or of establishing any certain method of obviating the chances of war, and defeating enemies who were every day altering their schemes; and declared that they had no hopes of security but from the vigilance of a board of admiralty, solicitous for the welfare of the merchants, and the honour of the nation.

Lord CHOLMONDELEY rose and spoke to the following purpose:—My lords, as three clauses of this bill have been universally given up, and almost all the rest plainly

proved by the noble lord to be either absurd or superfluous, I cannot see why it should not be rejected without the solemnity of farther consideration, to which, indeed, nothing but the title can give it any claim.

The title, my lords, is, indeed, specious, and well fitted to the design of gaining attention and promoting popularity; but with this title there is nothing that corresponds, nor is any thing to be found but confusion and contradictions, which grow more numerous upon farther search.

That the whole bill, my lords, is unnecessary, cannot be denied, if it be considered that nothing is proposed in it which is not already in the power of your lordships, who may call at pleasure for the lists of the navy, the accounts of the cruisers, the duties of their commissions, and the journals of their commanders, (as you did in the sixth of queen Anne,) and detect every act of negligence or treachery, and every instance of desertion, or of cowardice.

Nothing is necessary to the regulation of our naval force, but that your lordships vigilantly exert that power which is conferred upon you by the constitution, and examine the conduct of every officer with attention and impartiality; no man then will dare to neglect his duty, because no man can hope to escape punishment.

Of this bill, therefore, since it is thus useless and inconsistent, I cannot but suspect, my lords, that it was concerted for purposes very different from those mentioned in the title, which it has, indeed, no tendency to promote. I believe, my lords, the projectors of it intended not so much to advance the interest of the merchants, as to depress the reputation of those whom they have long taken every opportunity of loading with reproaches, whom they have censured as the enemies of trade, the corrupters of the nation, and the confederates of Spain.

To confirm these general calumnies, it was necessary to fix on some particular accusation which might raise the resentment of the people, and exasperate them beyond reflection or inquiry. For this purpose nothing was more proper than to charge them with betraying our merchants to the enemy.

As no accusation could be more efficacious to inflame the people, so none, my lords, could with more difficulty be confuted. Some losses must be suffered in every war, and every one will necessarily produce complaints and discontent; every man is willing to blame some other person for his misfortunes, and it was, therefore, easy to turn the clamours of those whose vessels fell into the hands of the Spaniards, against the ministers and commanders of the ships of war.

These cries were naturally heard with the regard always paid to misfortune and distress, and propagated with zeal, because they were heard with pity. Thus in time, what was at first only the outcry of impatience, was by malicious artifices improved into settled opinion, that opinion was diligently diffused, and all the losses of the merchants were imputed, not to the chance of war, but the treachery of the ministry.

But, my lords, the folly of this opinion, however general, and the falsehood of this accusation, however vehement, will become sufficiently apparent, if you examine that bulky collection of papers which are now laid before you, from which you will discover the number of our fleets, the frequency of our convoys, the stations of our ships of war, and the times of their departure and return; you will find that no provision for war, no expedient likely to promote success has been neglected; that we have now more ships equipped than in the late war with France, that nothing can be added to the exactness with which our maritime force is regulated, and that there is not the least reason to doubt of the fidelity with which it has been employed.

In every war, my lords, it is to be expected that losses will be suffered by private persons on each side, nor even in a successful war can the publick always hope to be enriched; because the advantage may arise, not immediately from captures, but, consequently, from the treaties or conditions in which a prosperous war may be supposed to terminate.

What concessions we shall in this war extort from the Spaniards, what security will be procured for our mer-

chants, what recompense will be yielded for our losses, or what extent will be added to our commerce, it cannot yet be expected that any man should be able to declare; nor will his majesty's counsellors be required to give an account of futurity. It is a sufficient vindication of their conduct, and an evident proof of the wisdom with which the war has been conducted, that we have hitherto gained more than we have lost.

This, my lords, will appear from a diligent and minute comparison of the captures on each side, and an exact computation of the value of our losses and our prizes. It will be found that if the Spaniards have taken, as it is not improbable, a greater number of ships, those which they have lost have been far more wealthy.

The merchants, indeed, seem to have distrusted the strength of the evidence which they produced in support of their allegations, by bringing it only before the other house, where, as an oath could not be administered, every man delivered what he believed as what he knew, and indulged himself without scruple in venting his resentment, or declaring his suspicions; a method of allegation very proper to scatter reproaches and gratify malevolence, but of very little use for the discovery of truth.

Had they come before your lordships, every circumstance had been minutely examined, every assertion compared with other evidence, all exaggerations repressed, and all foreign considerations rejected; each part would have been impartially heard, and it would have plainly been known to whom every loss was to be imputed. The negligence or treachery of the commanders of the convoys, wherever it had been found, would have been punished, but they would not have charged them with those miscarriages which were produced only by the obstinacy or inattention of the masters of the trading vessels.

Such inquiries, my lords, they appear to have thought it their interest to decline, and, therefore, did not proceed on their petition to this house; and if they did in reality avoid a rigorous examination, what can be inferred, but

that they intended rather to offer insinuations than proofs, and rather to scatter infamy than obtain justice.

And, that nothing was indeed omitted that could secure our own commerce, or distress our enemies, may reasonably be collected from the number and great strength of our fleet, to which no empire in the world can oppose an equal force. If it has not been supplied with sailors without some delays, and if these delays have given our enemies an opportunity of adding to their securities, of fortifying their ports, and supplying their magazines, it must be ascribed to the nature of our constitution, that forbids all compulsory methods of augmenting our forces, which must be considered as, perhaps, the only inconvenience to be thrown into the balance against the blessings of liberty.

The difficulty of manning our ships of war, is, indeed, extremely perplexing. Men are naturally very little inclined to subject themselves to absolute command, or to engage in any service without a time limited for their dismission. Men cannot willingly rush into danger without the prospect of a large advantage; they have generally some fondness for their present state of life, and do not quit it without reluctance. All these reasons, my lords, concur to withhold the sailors from the navy, in which they are necessarily governed with higher authority than in trading vessels, in which they are subjected to punishments, and confined by strict regulations, without any certain term of their bondage; for such they, who know not the necessity of subordination, nor discover the advantages of discipline, cannot but account subjection to the will and orders of another.

By serving the merchants, they not only secure to themselves the liberty of changing their masters at pleasure, but enjoy the prospect of a near and certain advantage; they have not, indeed, any expectations of being suddenly enriched by a plate ship, and of gaining by one engagement such wealth as will enable them to spend the rest of their lives in ease and affluence; but they are sure of a speedy payment of their wages, perhaps, of some profits

from petty commerce, and of an opportunity of squandering them at land in jollity and diversions; their labour is cheerful, because they know it will be short, and they readily enter into an employment which they can quit when it shall no longer please them.

These considerations, my lords, have no influence upon the preparations of France and Spain, where no man is master of his own fortune, or time, or life, and where the officers of the state can drive multitudes into the service of the crown, without regard to their private views, inclinations, or engagements. To man a fleet, nothing is necessary but to lay an embargo on the trading vessels, and suspend their commerce for a short time; therefore no man dares refuse to enter into the publick service when he is summoned; nor, if he should fly, as our sailors, from an impress, would any man venture to shelter or conceal him.

Absolute monarchs have, therefore, this advantage over us, that they can be sooner prepared for war, and to this must be ascribed all the success which the Spaniards have obtained. This, my lords, will not be obviated by the bill now before us, nor will it, indeed, procure any other benefit to the trade, or any addition to the power of the nation.

Of the ten clauses comprised in the bill, the greatest part is universally allowed to be injudiciously and erroneously proposed; and those few, which were thought of more importance, have been shown to contain no new expedients, nor to add any thing to the present regulations.

I cannot, therefore, discover any reason, my lords, that should induce us to refer to a committee this bill, of which part is confessedly to be rejected, and the rest is apparently superfluous.

[Then the question being put, whether the bill should be referred to a committee; it passed in the negative. Content, 25. Not content, 59.

On the rejection of this bill by the lords, a bill which related to an affair of no less importance than the security of trade and navigation, and which had been unanimously

passed by the commons, it was satirically remarked, that the upper house understood trade and navigation *better* than the lower. However, the circumstances that attended it, made the publication of the bill, with the amendments and the reasons offered by the lords on both sides, expected with the more impatience.]

HOUSE OF LORDS, NOVEMBER 16, 1742.

Parliament having met, according to the royal summons, on this day, his majesty made a speech from the throne, which being afterwards read by the president, lord Tweedale rose, and spoke as follows:

My lords, it is not without the highest satisfaction, that every lover of mankind must look upon the alterations that have lately been produced in the state of Europe; nor can any Briton forbear to express an immediate and particular pleasure to observe his country rising again into its former dignity, to see his own nation shake off dependence, and rouse from inactivity, cover the ocean with her fleets, and awe the continent with her armies; bid, once more, defiance to the rapacious invaders of neighbouring kingdoms, and the daring projectors of universal dominion; once more exert her influence in foreign courts, and summon the monarchs of the west to another confederacy against the power of France.

The queen of Hungary, who was lately obliged to retire at the approach of her enemies, to leave her capital in danger of a siege, and seek shelter in the remotest corner of her dominions, who was lately so harassed with invasions, and so encircled with dangers, that she could scarcely fly from one ravager, without the hazard of falling into the hands of another, is now able to give laws to her persecutors, to return the violence which she has suffered, and instead of imploring mercy from those who had no regard but to their own interest, and were determined to annihilate her family and divide her dominions, now sits in full

security on her throne, directs the march of distant armies, and dictates the terms on which those who have entered her dominions shall be suffered to escape.

Such, my lords, is the present state of the German empire; nor have the affairs of the rest of Europe been less changed; the power of the house of Bourbon has been diminished on every side, its alliance has been rejected, and its influence disregarded.

The king of Sardinia has openly engaged to hinder the Spaniards from erecting a new kingdom in Italy; and though he has hitherto been somewhat embarrassed in his measures, and oppressed by the superiority of his enemies, has at least, by preventing the conjunction of the Spanish armies, preserved the Austrians from being overwhelmed. Nor can the situation of his dominions, and the number of his forces, suffer us to doubt, that in a short time he will be able entirely to secure Italy, since he has already recovered his country, and drove back the Spaniards into the bosom of France.

The condition of the other Spanish army is such, as no enemy can wish to be aggravated by new calamities. They are shut up in a country without provisions, or of which the inhabitants are unwilling to supply them: on one side are neutral states, to which the law of nations bars their entrance; on another the Mediterranean sea, which can afford them only the melancholy prospect of hostile armaments, or sometimes of their own ships falling into the hands of the Britons; behind them are the troops of Austria ready to embarrass their march, intercept their convoys, and receive those whom famine and despair incite to change their masters, and to seek among foreign nations that ease and safety, of which the tyranny of their own government, and the madness of their own leaders, has deprived them. Such is their distress, and so great their diminution, that a few months must complete their ruin, they must be destroyed without the honour of a battle, they must sink under the fatigue of hungry marches, by which no enemy is overtaken or escaped, and be at length devoured by those diseases, which toil and penury will inevitably produce.

That the diminution of the influence of the house of Bourbon is not an empty opinion, which we easily receive, because we wish it to be true; that other nations, likewise, see the same events with the same sentiments, and prognosticate the decline of that power which has so long intimidated the universe, appears from the declaration now made by his majesty of the conduct of the Swedish court.

That nation which was lately governed by the counsels, and glutted with the bounties of France, which watched the nod of her mighty patroness, and made war at her command against the Russian empire, now begins to discover, that there are other powers more worthy of confidence and respect, more careful to observe their engagements, or more able to fulfil them. She, therefore, requests the British monarch to extricate her from those difficulties, in which she is entangled by a blind compliance with French dictates, to restore to her the dismembered provinces, and recall that enemy which now impends over her capital, and whom the French have neither interest to appease, nor strength to resist.

Such, my lords, is the present prospect which offers itself to him who surveys Europe with a political view, and examines the present interest and dispositions of neighbouring potentates; such is the order which has been produced from general confusion, and such the reestablishment of equal power, which has succeeded these concussions of the world.

It is no small addition to the pleasure which this change must afford every man, who has either wisdom to discover his own happiness, or benevolence to rejoice in that of others, that it has been the effect not of chance but of conduct; that it is not an unforeseen event, produced by the secret operation of causes fortuitously concurring, but the result of a political and just design, well concerted and steadily pursued; that every advantage which has been gained, is the consequence of measures laid to obtain it; that our happiness has been procured by prudence, and that our counsels have not been lucky but wise.

If we reflect, my lords, upon the causes which have contributed to the rescue of Europe from impending slavery,

which have reestablished the queen of Hungary in her dominions, enabled her to lay waste the territories of her invaders, confirmed her friends in their fidelity, and intimidated those whom rival interests inclined to wish her fall, or the hope of sharing in the plunder, had incited to form designs against her. If we inquire to what it is to be ascribed, that she is able to form new alliances, and defend her dominions with confederate armies, we shall find it easy to trace all these revolutions to one cause, the steady and prudent conduct of the king of Britain.

Our sovereign, my lords, has looked on the troubles of Europe with that concern which publick virtue inspires; he has seen the sufferings of this illustrious princess with that compassion which is always due to magnanimity oppressed, and formed resolutions for her assistance with that ardour, which courage naturally kindles; but with that caution, likewise, and secrecy, which experience dictates. But he remembered, my lords, that, though he was the friend of the queen of Hungary, he was to consider himself as the father of the people of Britain; that he was not to exhaust the forces of this nation in romantick expeditions, or exhaust its treasures in giving assistance which was not needed.

He therefore waited to observe the event of the war, and to discover whether the incessant struggles of the Austrians would be able to throw off the load with which they were oppressed; but he found that their spirit, however ardent, could not supply the want of strength; he found, that they were fainting under insuperable labours, and that, though they were in no danger of being conquered by the valour of their enemies, they must, in a short time, be wearied with their numbers.

His majesty then knew, my lords, that, by sending them speedy assistance, he at once promoted the interest of his people, and gratified his own inclinations; he therefore supplied the queen with such sums as enabled her to levy new forces, and drive her enemies before her. By procuring a reconciliation with the king of Prussia, he freed her from the nearest and most formidable danger, and

gave her an opportunity to secure herself against the menaces of other powers.

But though she was set free from domestick dangers, though invasion was driven from her capital, though captivity no longer pursued her flight, nor usurpation hovered over her throne, her more distant dominions were still a prey to her enemies. The Spaniards had already landed one army in Italy, with which another was hastening to join. The success of this enterprise, which would have gained the greatest part of Italy, could only be hindered by the king of Sardinia, who was, therefore, solicited by the Spaniards and French to favour their design, with the strongest protestations, and the most magnificent promises. But these were overbalanced by the influence of the king of Britain, whose name was of sufficient importance to make the weaker part most eligible, and to counterbalance the force of immediate interest.

Thus was the passage into Italy barred against the Spaniards, by obstacles which they can never surmount, while the other army is besieged by our fleet, and by the Austrians; and reduced, instead of conquering kingdoms, to change their camp, and regulate their marches, with no other view than to avoid famine. While that prince, whose dominions might most commodiously afford them succour, and whom all the ties of nature and of interest oblige to assist them, is awed by the British ships of war, which lie at anchor before his metropolis, and of which the commanders, upon the least suspicion of hostilities against the queen of Hungary, threaten to batter his palaces, and destroy his city.

In this manner, my lords, has the king of Britain assisted the house of Austria with his treasures, his influence, and his navy; thus does he subdue some enemies, and restrain others; thus does he hold the balance of the war; and thus does he add the weight of power to the scale of justice.

But to secure the success that has been already obtained, and to take from the enemies of liberty all hopes of recovering the advantages which they have lost, he has

now no longer confined his assistance to negotiations and pecuniary supplies. He knows that alliances are always best observed, when they confer security, or produce manifest advantages; and that money will not be always equivalent to armies. He has, therefore, now acted openly in defence of his ally, has filled Flanders, once more, with British troops, and garrisoned the frontier towns with the forces of that nation by which they were gained. The veteran now sees, once more, the plains over which he formerly pursued the squadrons of France, points the place where he seized the standards, or broke the lines; where he trampled the oppressors of mankind, with that spirit which is enkindled by liberty and justice. His heart now beats, once more, at the sight of those walls which he formerly stormed, and he shows the wounds which he received in the mine, or on the breach. The French now discover, that they are not yet lords of the continent; and that Britain has other armies ready to force, once more, the passes of Schellembourg, or break down the intrenchments of Blenheim; to wrest from them the sceptre of universal monarchy, and confine them again to their own dominions.

To the British regiments, his majesty has joined a large body of the forces of his own electorate, without regard to the danger which may threaten his dominions in the absence of his troops, having no other view than to secure the publick tranquillity at whatever hazard of his own, and being convinced that private interest is most effectually secured by a steady attention to general good.

These measures, my lords, undoubtedly demand our gratitude and applause. Gratitude is always due to favourable intentions, and diligent endeavours, even when those intentions are frustrated, and those endeavours defeated; and applause is often paid to success, when it has been merely the effect of chance, and been produced by measures ill adapted to the end which was intended by them. But, surely, when just designs have been happily executed, when wise measures are blessed with success, neither envy nor hatred will dare to refuse their acclamations; surely,

those will at least congratulate, whom the corruption of their hearts hinders from rejoicing, and those who cannot love, will at least commend.

Here, my lords, I suspect no inclination to depreciate the happiness that we enjoy, or to calumniate that virtue by which it has been obtained; and therefore doubt not but your lordships will readily concur in the reasonable motion which I have now to offer:—

"That an humble address be presented to his majesty, to return him the thanks of this house, for his most gracious speech from the throne.

"To declare our just sense of his majesty's great care and vigilance for the support of the house of Austria, and for restoring and securing the balance of power.

"To acknowledge his majesty's great wisdom and attention to the publick welfare, in sending so considerable a body of his forces into the Low Countries, and in strengthening them with his electoral troops, and the Hessians in the British pay; and thereby forming such an army as may defend and encourage those powers who are well intentioned, and give a real assistance to the queen of Hungary, and to assure his majesty of the concurrence and support of this house, in this necessary measure.

"To express our satisfaction in the good effects which the vigour exerted by Great Britain in assisting its ancient allies, and maintaining the liberties of Europe, hath already had on the affairs of the queen of Hungary, and on the conduct of several powers; and our hopes that a steady perseverance in the same measures, will inspire the like spirit and resolution in other powers, equally engaged by treaties and common interest to take the like part.

"To give his majesty the strongest assurances, that this house has the honour and safety of his majesty, the true interest and prosperity of his kingdoms, the security and advancement of their commerce, the success of the war against Spain, and the reëstablishment of the balance and tranquillity of Europe entirely at heart. That these shall be the great and constant objects of our proceedings and resolutions, this house being determined to support his

majesty in all just and necessary measures for attaining those great and desirable ends, and to stand by and defend his majesty against all his enemies."

Lord MONTFORT spoke next to the following effect:—My lords, the motion offered by the noble lord, is, in my opinion, so proper and just, so suitable to the dignity of this assembly, and so expressive of the gratitude which the vigilance of his majesty for the publick good, ought to kindle in every heart not chilled by ungenerous indolence, or hardened by inveterate disaffection, that I cannot discover any reason for which it can be opposed, and therefore hope that every lord will concur in it with no less alacrity and zeal than I now rise up to second it.

It may, indeed, naturally be hoped from this house, that his majesty's measures will be readily approved, since they are such as even malice and faction will not dare to censure or oppose, such as calumny will not venture to defame, and such as those who will not praise them can never mention. If it be allowed, that the interest of France is opposite to that of Britain, that the equipoise of power on the continent is to be preserved; if any of the counsels of our ancestors deserve our attention, if our victories at Cressy or at Ramillies are justly celebrated by our historians, the wisdom of our sovereign's conduct cannot be denied.

The French, my lords, whom our armies in the reign of Anne saw flying before them; who, from dividing kingdoms, and prescribing laws to mankind, were reduced to the defence of their own country; who were driven from intrenchment to intrenchment, and from one fortification to another, now grown insolent with the pleasures of peace, and the affluence of commerce, have forgotten the power by which their schemes were baffled, and their arrogance repressed; by which their fabrick of universal monarchy was shattered, and themselves almost buried in the ruins.

Infatuated with the contemplation of their own force, elated with the number of their troops, the magnificence of their cities, and the opulence of their treasury, they have once more imagined themselves superiour to resistance, and again aspire to the command of the universe; they have now for some time assumed the haughty style of the legis-

lators of mankind; and have expected, that princes should appeal to them as to the highest human tribunal, and that nations should submit their claims to their arbitration; they have already assumed the distribution of dominions, and expect that neither peace shall be concluded, nor war proclaimed, but by their permission or advice.

By this gradation of exorbitant claims and oppressive measures, have they at length arrived, my lords, at the summit of insolence; by these steps have they ascended once more the towering throne of universal monarchy; nor was any thing wanting to complete their plan, but that their ancient rival, the German empire, should be reduced to acknowledge their sovereignty, and that the supreme dignity of Europe should be the gift of the French bounty.

The death of the late emperour, without sons, furnished them with an opportunity of executing their design, too favourable to be neglected. They now imagined it in their power, not only to dispose of the imperial dignity, but to divide the dominions of the house of Austria into many petty sovereignties, incapable singly of opposing them, and unlikely to unite in any common cause, or to preserve a confederacy unbroken, if they should by accident agree to form it.

They, therefore, sent their armies into Germany, to superintend the approaching election, and by hovering over the territories of princes unable to resist them, extorted voices in favour of their ally; a prince, whose dominions must, by their situation, always oblige him to compliance with the demands, and to concurrence in the schemes of his protectors, and who will rather act as the substitute of France, than the emperour of Germany.

But it was to no purpose that they had graced their dependant with titular honours and ensigns of sovereignty if the house of Austria still retained its hereditary dominions, and preserved its strength when it had lost its dignity. They well knew that armies were equally formidable, whether commanded by an emperour or an inferiour sovereign; and that a mere alteration of names, though it might afford a slight and transient gratification to vanity, would produce no real increase or diminution of power.

They, therefore, thought it necessary to improve the pre-

sent time of confusion, and excite all the princes of the empire to revive their ancient claims upon the Austrian territories; claims, which how long soever they had been forgotten, howsoever abrogated by long prescription, or annulled by subsequent treaties, were now again to become valid, and to be decided by the arbitration of France.

But this project being defeated by the heroick constancy of the queen of Hungary, whose wisdom and resolution, which will equal her name in future histories with those of the most successful conquerors, rejected their mediation, and refused to own her right doubtful, by submitting it to be tried; they were obliged no longer to dissemble their designs, or make farther pretences to respect or tenderness. Her fall was necessary to their own exaltation; they, therefore, kindled a general conflagration of war, they excited all the princes to take arms against her, and found it, indeed, no difficult task to persuade them to attack a princess, whom they thought unable to form an army, whom they believed they should rather pursue than engage, and whose dominions might be overrun without bloodshed, and whom they should conquer only by marching against.

Such a combination as this, a combination of monarchs, of which each appeared able singly to have carried on a war against her, nothing but the highest degree of magnanimity could have formed a design of resisting; nor could that resistance have procured the least advantages, or retarded for a single day the calamities that were threatened, had it not been regulated by every martial virtue, had not policy united with courage, and caution with activity.

Thus did the intrepidity of this princess, my lords, support her against the storms that shook her kingdom on every side; thus did those, whom her virtues gained over to her service, and whom her example animated with contempt of superiour numbers, defend her against the forces of all the surrounding nations, led on by monarchs, and elated with the prospect of an easy conquest.

But the utmost that could be hoped from the most refined stratagems, or the most exalted courage, was only that her fate might be deferred, that she would not fall

wholly unrevenged, that her enemies would suffer with her, and that victory would not be gained without a battle. It was evident, that bravery must in time give way to strength, that vigour must be wearied, and policy exhausted, that by a constant succession of new forces, the most resolute troops must be overwhelmed; and that the house of Austria could only gain by the war, the fatal honour of being gloriously extinguished.

This his majesty's wisdom easily enabled him to discover, and his goodness incited him to prevent; he called upon all the powers, who had promised to preserve the Pragmatick sanction, to have regard to the faith of nations, and by fulfilling their engagements, to preserve the liberties of Europe; but the success of his remonstrances only afforded a new instance of the weakness of justice, when opposed to interest or fear. All the potentates of the continent were restrained by the threats, or gained by the promises of France; and the disposal of the possessions of the Austrian house, seemed, by the general consent of Europe, to be resigned to the family of Bourbon.

But our sovereign was not yet discouraged from asserting the rights which he had promised to maintain, nor did he think the neglect or treachery of others a sufficient reason for refusing that assistance, which justice and policy equally required. He knew the power of his own empire, and though he did not omit to cultivate alliances, he was conscious of his ability to proceed without them; and therefore showed, by sending his troops into the Austrian territories, that the measures of the sovereign of Britain were not to be regulated by either his enemies or his confederates; that this nation is yet able to support its own claims, and protect those of its allies; and that while we attack one of the kingdoms of the house of Bourbon, we are not afraid to set the other at defiance.

The effects of this conduct, my lords, were immediately apparent; the king of Sardinia engaged to oppose the entrance of the Spaniards into Italy; the king of Prussia not only made a peace with the queen of Hungary, by whom he was more to be dreaded than any other enemy, but en-

tered into an alliance with his majesty, who has made no small addition to his influence, by another treaty with the most powerful nations of the north.

Thus, my lords, are the dreadful arms of France, which are never employed but in the detestable and horrid plan of extending slavery, and supporting oppression, stopped in the full career of success. Thus is the scheme of universal monarchy once more blasted, and the world taught, that the preservation of the rights of mankind, the security of religion, and the establishment of peace, are not impracticable, that the power of Britain is yet undiminished, and that her spirit is not yet depressed.

By his majesty's conduct, my lords, the reputation of our country is now raised to its utmost height; we are now considered as the arbiters of empire, the protectors of right, the patrons of distress, and the sustainers of the balance of the world. I cannot, therefore, but conclude, that no man in this illustrious assembly will be unwilling to acknowledge that wisdom and firmness, which not only this nation, but the greatest part of the universe, will remember with gratitude in the remotest ages, and that the motion, which I now second, will be universally approved.

The speaker then read the motion, and asked in the usual form, whether it was their lordships' pleasure that the question should be put; upon which lord CHESTERFIELD rose up, and spoke to the following purpose:—My lords, though the motion has been, by the noble lord who made it, introduced with all the art of rhetorick, and enforced by him that seconded it, with the utmost ardour of zeal, and the highest raptures of satisfaction and gratitude; though all the late measures have been recommended to our applause, as proofs of the strictest fidelity, and the most sagacious policy; and though I am very far from intending to charge them with weakness or injustice, or from pretending to have discovered in them a secret tendency to advance any interest in opposition to that of Britain, I am yet not able to prevail upon myself to suppress those scruples which hinder me from concurring with them, and from approving the address which is now proposed.

I am less inclined, my lords, to favour the present motion, because I have long been desirous of seeing the ancient method of general addresses revived by this house; a method of address by which our princes were reverenced without flattery, and which left us at liberty to honour the crown, without descending to idolize the ministry.

I know not, my lords, what advantages have been procured by an annual repetition of the speeches from the throne, however gracious or excellent. For ourselves, we have certainly obtained no new confidence from the crown, nor any higher degree of honour among the people. The incense, which from our censers has so long perfumed the palace, has inclined the nation to suspect, that we are long enough inured to idolatry, to offer up their properties for a sacrifice, whenever they shall be required; and I cannot dissemble my suspicions, that a long continuance of this custom may give some ambitious or oppressive prince in some distant age, when, perhaps, this beneficent and illustrious family may be extinct, the confidence to demand it.

I cannot but be of opinion, and hope your lordships will be convinced upon very short reflection, that there is a style of servility, which it becomes not this house to use even to our monarchs: we are to remember, indeed, that reverence which is always due from subjects, but to preserve likewise that dignity which is inseparable from independence and legislative authority.

That we ought not to descend to the meanest of flattery, that we ought to preserve the privilege of speaking, without exaggerated praises, or affected acknowledgments, our regard not only to ourselves, but to our sovereign ought to remind us. For nothing is more evident, my lords, than that no monarch can be happy while his people are miserable; that the throne can be secure only by being guarded by the affections of the people; and the prince can only gain and preserve their affections, by promoting their interest, and supporting their privileges.

But how, my lords, shall that monarch distinguish the interest of his people, whom none shall dare to approach with information? How shall their privileges be supported,

if when they are infringed, no man will complain? And who shall dare to lay any publick grievances, or private wrongs before the king of Britain, if the highest assembly of the nation shall never address him but in terms of flattery?

The necessity of putting an end to this corrupt custom, becomes every day more and more urgent; the affairs of Europe are hastening to a crisis, in which all our prudence, and all our influence will be required; and we ought, therefore, to take care not to perplex our resolutions by voluntary ignorance, or destroy our credit by a publick approbation of measures, which we are well known not to understand.

I suppose, none of your lordships, who are not engaged in the administration of affairs, will think it derogatory from the reputation of your abilities and experience, to confess, that you do not yet see all the circumstances or consequences of the measures which you are desired to applaud; measures which have been too lately taken to discover their own tendency, and with relation to which no papers have been laid before us. We are told of armies joined, and treaties concluded, and, therefore, called upon to praise the wisdom of our negotiations, and the usefulness and vigour of our military preparations; though we are neither acquainted on what terms our alliances are formed, nor on what conditions our auxiliaries assist us.

This, my lords, is surely such treatment as no liberal mind can very patiently support; it is little less than to require that we should follow our guides with our eyes shut; that we should place implicit confidence in the wisdom of our ministers, and having first suffered them to blind ourselves, assist them afterwards to blind the people.

The longer I dwell upon the consideration of this motion, the more arguments arise to persuade me, that we ought not hastily to agree to it. My lords, the address proposed, like the speech itself, is of a very complicated and intricate kind, and comprises in a few words many transactions of great importance, crowded together with an artful brevity, that the mind may be hindered by the multitude of images,

from a distinct and deliberate consideration of particulars. Here are acts of negotiation confounded with operations of war, one treaty entangled with another, and the union of the Hanoverians with our troops, mentioned almost in the same sentence with the Spanish war. This crowd of transactions, so different in their nature, so various in their consequences, who can venture to approve in the gross? or who can distinguish without long examination.

I hope, my lords, that I shall not be charged with want of candour, in supposing the motion not to be an extemporaneous composition, but to be drawn up with art and deliberation. It is well known, that the address is often concerted at the same time that the speech is composed; and that it is not uncommon to take advantage of the superiority which long acquaintance with the question gives those who defend the motion, above those who oppose it.

We are indeed told, that the visible effects of his majesty's measures prove their expediency, and that we may safely applaud that conduct of which we receive the benefits. But, my lords, the advantages must be seen or felt before they can be properly acknowledged; and it has not been shown, that we have yet either intimidated the enemies of the queen of Hungary, whose interest we have been lately taught to believe inseparable from our own, or encouraged any new allies to declare in her favour.

The Dutch, my lords, are not yet roused from their slumber of neutrality; and how loudly soever we may assert our zeal, or with whatever pomp we may display our strength, they still seem to doubt either our integrity or force; and are afraid of engaging in the quarrel, lest they should be either conquered or betrayed.. Nor has the approach of our army, however they may be delighted with the show, inspired them with more courage, though they are enforced by the troops of Hanover.

The addition of these forces to the British army, has been mentioned as an instance of uncommon attention to the great cause of universal liberty, as a proof that no regard has been paid to private interest, and that all considerations are sacrificed to publick good. But since no

service can be so great but it may be overpaid, it is necessary that we may judge of the benefit, to inform us on what terms it has been obtained, and how well the act of succession has been observed on this occasion.

Though I am too well acquainted, my lords, with the maxims which prevail in the present age, and have had too much experience of the motives, by which the decisions of the senate are influenced, to offer any motion of my own, yet these reasons will withhold me from concurring with this. I cannot but be of opinion, that the question ought to be postponed to another day, in which the house may be fuller, our deliberations be assisted by the wisdom and experience of more than thirty lords, who are now absent, and the subjects of inquiry, of which many are new and unexpected, may be more accurately considered; nor can I prevail upon myself to return to general declarations any other than general answers.

Lord CARTERET answered in substance as follows:—My lords, as there has arisen no new question, as his majesty in assisting the queen of Hungary, has only followed the advice of the senate; I am far from being able to discover, why any long deliberation should be necessary to a concurrence with the motion now before us, or whence any doubt can arise with regard to the effects of his majesty's measures; effects which no man will deny, who will believe either his own eyes, or the testimony of others; effects, which every man who surveys the state of Europe must perceive, and which our friends and our enemies will equally confess.

To these measures, which we are now to consider, it must be ascribed, that the French are no longer lords of Germany; that they no longer hold the princes of the empire in subjection, lay provinces waste at pleasure, and sell their friendship on their own terms. By these measures have the Dutch been delivered from their terrours, and encouraged to deliberate freely upon the state of Europe, and prepare for the support of the Pragmatick sanction. But the common cause has been most evidently advanced by gaining the king of Prussia, by whose defec-

tion the balance of the war was turned, and at least thirty thousand men taken away from the scale of France.

This, my lords, was a change only to be effected by a patient expectation of opportunities, and a politick improvement of casual advantages, and by contriving methods of reconciling the interest of Prussia with the friendship of the queen of Hungary; for princes, like other men, are inclined to prefer their own interest to all other motives, and to follow that scheme which shall promise most gain.

That all this, my lords, has been effected, cannot be denied; nor can it be said to have been effected by any other causes than the conduct of Britain: had this nation looked either with cowardly despair, or negligent inactivity, on the rising power of France and the troubles of the continent; had the distribution of empire been left to chance, our thoughts confined wholly to commerce, and our prospects not extended beyond our own island, the liberties of Europe had been at an end, the French had established themselves in the secure possession of universal monarchy, would henceforth have set mankind at defiance, and wantoned without fear in oppression and insolence.

These, my lords, are consequences of the measures pursued by his majesty, of which neither the reality nor the importance can be questioned, and, therefore, they may doubtless be approved without hesitation. For surely, my lords, the addition of the Hanoverian troops to the forces of our own nation can raise no scruples, nor be represented as any violation of the act of settlement.

Of the meaning of that memorable act, I believe, I do not need any information. I know it is provided, that this nation shall not be engaged in war in the quarrel of Hanover; but I see no traces of a reciprocal obligation, nor can discover any clause, by which we are forbidden to make use in our own cause of the alliance of Hanover, or by which the Hanoverians are forbidden to assist us.

I hope, my lords, this representation of the state of our transactions with Hanover, will not be charged with artifice or sophistry. I know how invidious a task is undertaken by him who attempts to show any connexion between

interests so generally thought opposite, and am supported in this apology only by the consciousness of integrity, and the intrepidity of truth.

The assistance of Hanover, my lords, was, at this time, apparently necessary. Our own troops, joined with the Hessians, composed a body too small to make any efficacious opposition to the designs of France; but by the addition of sixteen thousand men, became sufficiently formidable to oblige her to employ those troops for the security of her frontiers, with which she intended to have overwhelmed Italy, and to have exalted another Spanish prince to a new kingdom. The Spaniards, deprived of this assistance, harassed by the Austrians with perpetual alarms, and debarred by our fleet from the supplies which are provided for them in their own country, must languish with penury and hardships, being equally cut off from succour and from flight.

Thus, my lords, it is evident, that the true and everlasting interest of Britain has been steadily pursued; that the measures formed to promote it have been not only prudent, but successful. We did not engage sooner in the quarrel, because we were not able to form an army sufficiently powerful. An advantageous peace is only to be obtained by vigorous preparations for war; nor is it to be expected that our enemies should court our friendship, till they see that our opposition is really formidable Such, my lords, is our present state; we may reasonably hope that the French will desist from their designs, because they will have a confederacy to oppose, more powerful than that by which their immortal monarch was lately humbled; and I hope that conduct will always be applauded in this house, which enables us to repress the arrogance of France.

Lord Westmoreland then spoke to the following purport:—My lords, though the warmth with which the noble lord has defended the motion, and the confidence with which he asserts the propriety and efficacy of the measures to which it relates, are such proofs of the strength of his conviction as leave no room to doubt his sincerity;

yet as the same arguments do not operate upon different minds with the same force, I hope I shall not be thought less sincere, or less studious of the publick happiness, or the honour of the crown, though I presume to differ from him.

In the motion now before us, I cannot concur, because, though it should be allowed to contain a just representation of foreign affairs, yet it appears to me to omit those considerations which I think it the duty of this house to offer to his majesty. This nation is, in my opinion, exposed to enemies more formidable than the French; nor do I think that we are at leisure to defend the liberties of Europe, till we have made some provisions for the security of our own; or to regulate the balance of power, till we have restored our constitution to its ancient equilibrium.

That there are flagrant proofs of the most enormous corruption throughout the whole subordination of publick offices; that our publick funds are only nurseries of fraud, and that trust of every kind is only considered as an opportunity of plundering, appears evidently from the universal prevalence of luxury and extravagance, from the sudden affluence of private men, from the wanton riot of their tables, the regal splendour of their equipages, and the ostentatious magnificence of their buildings.

It is evident, likewise, that corruption is not confined to publick offices; that those who have lost their own integrity, have endeavoured to destroy the virtue of others; that attempts have been made to subject the whole nation to the influence of corruption, and to spread the contagion of bribery from the highest to the lowest classes of the people.

It is therefore necessary, before we engage in the consideration of foreign affairs, to prosecute the inquiry which was begun in the last session, to trace wickedness to its source, and drag the authors of our miseries into the light.

These, my lords, are the inquiries which the general voice of the people importunately demands; these are the petitions which ought never to be rejected; all parties are now united, and all animosities extinguished; nor is there any other clamour than for inquiries and punishment.

The other house, my lords, has been engaged in the laudable attempt to detect those who have betrayed, or plundered, or corrupted their country; and surely we ought to have so much regard to our own honour, as not to suffer them to toil alone in a design so popular, so just, and so necessary, while we amuse ourselves with applauding the sagacity of our ministers, who, whatever they may hope themselves, or promise others, have not yet prevailed on any foreign power to concur with them, or to interpose in the affairs of the continent. And, therefore, I cannot conceal my suspicion, that instead of furnishing any subject for panegyricks on our policy and caution, we are now wasting our treasures and our strength in a romantick expedition.

Since, therefore, my lords, our domestick evils seem to me most dangerous, I move, that in order to their speedy remedy, and that the people may see we do not forget their immediate interest, this addition be made to the motion now before us:

"And humbly to assure his majesty, that we will apply our constant and persevering endeavours to calm and heal animosities and divisions, unseasonable as they are at all times, and most pernicious in the present juncture, which the true fatherly tenderness of his majesty, out of the abundance of his constant care for the rights and liberties of his people, has so affectionately at the close of last session recommended from the throne, by searching thoroughly and effectually into the grounds, which are or may be assigned for publick discontent, agreeably to the ancient rules and methods of parliament."

This additional clause being delivered in writing to the speaker, he read it to the house, but said that the noble lord spoke so low, that he could not tell where he proposed to have it inserted. Lord Westmoreland then directed him to read the motion, which done, he desired that his clause might be added at the end.

Upon this lord RAYMOND spoke as follows:—My lords, the addition which the noble lord has offered to the address proposed, cannot, in my opinion, be properly ad-

mitted, as it has no relation to the preceding clauses, but is rather inconsistent with them.

Nor do I think it only improper with regard to the other part of the motion, but unnecessary in itself; since it has no reference to his majesty's speech, now under our consideration; since it will facilitate none of our inquiries, which may be carried on with equal vigour without any such unseasonable declaration of our design.

If, therefore, the motion for the amendment be not withdrawn, I shall move, that the first question be first put.

[The question was then put with regard to the first motion, and it passed in the affirmative, without any division.]

HOUSE OF COMMONS, DECEMBER 10, 1742.

Motion in the committee of supplies, for granting pay for sixteen thousand Hanoverian troops for the four months last past.

Sir WILLIAM YONGE opened the debate, and spoke in substance as follows:—Sir, though the general state of the kingdoms of Europe cannot be supposed to be wholly unknown in this assembly, yet since the decision of the question now before us, must depend upon the conceptions which every man has formed with regard to the affairs on the continent, it will be necessary to exhibit them to view in a narrow compass, that nothing which may contribute to our information may be overlooked or forgotten.

The late emperour, for some time before his death, finding that there remained little hopes of male issue, and that his family would be consequently in danger of losing part of the honours and dignities which it had so long enjoyed, turned his thoughts to the security of his hereditary dominions, which he entailed upon his eldest daughter, to preserve them from being broken into fragments, and divided among the numerous pretenders to them; and that this settlement might be preserved from violation, employed all the opportunities which any extraordinary conjunctures

presented to him of obtaining the concurrence and ratification of the neighbouring states.

As it was always the interest of this nation to support the house of Austria, as a counterbalance to the power of France, it was easy to procure from us a solemn accession to this important settlement; and we, therefore, promised to support it, whenever it should be attacked. This was, in reality, only a promise to be watchful for our own advantage, and to hinder that increase of the French influence, which must, at length, be fatal to ourselves.

The like engagements were proposed to many other powers, which proposals were by most of them accepted, and among others by France, upon consideration of a very large increase of her dominions; and it was hoped, that whatever might be determined by the electors with respect to the imperial dignity, the hereditary dominions to the house of Austria would remain in the same family, and that France would be hindered by her own engagements from disturbing the peace of the empire.

But no sooner did the death of the emperour give the enemies of the house of Austria hopes of gratifying without danger their resentment and ambition, than almost all the neighbouring princes began to revive their pretensions, and appeared resolved to recover by force, what they alleged to have been only by force withheld from them. Armies were raised on all sides, invasions either attempted or threatened from every quarter, and the whole world looked upon the daughter of Austria either with pity or with joy, as unable to make any stand against the general confederacy, and under a necessity of yielding to the most oppressive terms, and purchasing peace from her enemies at their own price.

It cannot be mentioned, without indignation, that this universal combination was formed and conducted by the influence of the French, who, after having agreed to the Pragmatick sanction, omitted no endeavours to promote the violation of it; and not only incited the neighbouring princes to assert their claim by promises of assistance, but poured numerous armies into the empire, not only to pro-

cure by force, and without the least regard to equity, an election in favour of the duke of Bavaria, but to assist him in the invasion of the Austrian dominions, of which the settlement had been ratified by their concurrence, purchased at a price which might justly have been thought too great, even though they had observed their stipulations.

The pleas which they advanced in vindication of their conduct, it is not necessary to relate; since, however artfully they may be formed, the common sense of mankind must perceive them to be false. It is to no purpose, that they declare themselves not to have receded from their promise, because they enter the empire only as auxiliaries, and their troops act under the command of the elector of Bavaria; since he that furnishes troops for the invasion of those territories which he is obliged to protect, may very justly be considered as an invader; as he who assists a thief, partakes the guilt of theft.

All contracts, sir, whether between states or private persons, are to be understood according to the known intention of the two parties; and I suppose it will not be pretended, by the most hardened advocate for the conduct of the French, that the late emperour would have purchased, at so dear a rate, their accession to the Pragmatick sanction, if he had supposed, that they still thought themselves at liberty to employ all their treasure and their force in assisting others to violate it.

It is well known, that an unsuccessful war, which the French are likewise suspected of assisting, had, a short time before the death of the emperour, weakened his forces, and exhausted his revenues; and that, therefore, when he was surprised by death, he left his family impoverished and defenceless; so that his daughter being without money or armies, and pressed by enemies on every side of her dominions, was immediately reduced to such distress as, perhaps, she only was able to support, and such difficulties as no other would have entertained the least hope of being able to surmount.

In the first crush of her calamities, when she was driven by the torrent of invasion from fortress to fortress, and

from kingdom to kingdom, it is not to be denied, that most of the guarantees of the Pragmatick sanction stood at gaze, without attempting that relief which she incessantly called upon them to afford her; and which, indeed, they could deny upon no other pretence, than that they were convinced it would be ineffectual, that her ruin was not to be prevented, and that she must be swallowed up by the deluge of war, which it appeared impossible to resist or to divert.

The queen, however, determined to assert her rights, and to defend her dominions; and, therefore, assembled her forces, and made such opposition, that some of her enemies finding the war, to which they were encouraged only by a belief of the certainty of success, likely to become more hazardous than they expected, soon desisted from their claims, and consented to peace upon moderate conditions; and the most formidable of her enemies, being alienated from the French by experience of their treachery, and, perhaps, intimidated by the bravery of his enemies, was at last willing to become neutral, and to be satisfied with the recovery of his own claims, without assisting the elector of Bavaria.

Thus far has this illustrious princess struggled in the tempest of the continent with very little assistance from her confederates; but it cannot be supposed, that these violent efforts have not exhausted her strength, or that she must not be, at length, overpowered by the armies which the French, enraged at the disappointment of their schemes, are sending against her. She has an incontestable claim to our assistance, promised by the most solemn stipulations, and, therefore, not to be withheld upon any views of present advantage. The prudence and magnanimity which she has discovered, prove, that she deserves to be supported upon the common principles of generosity, which would not suffer a brave man to look idly upon a heroine struggling with multitudes; and the opposition which she has been able to make alone, shows that assistance will not be vain.

These considerations, though, since the senate has de-

termined to assist her, they are not immediately necessary in a question which relates only to the manner in which that assistance shall be given, are yet not entirely useless; since they may contribute to overbalance any prejudices that may obstruct the schemes which have been formed, and quicken the endeavours of men who might be inclined to reject those counsels to which any specious objections shall be raised, or to lose that time in deliberation, which ought to be employed in action.

As the assistance of this distressed princess has been already voted by the senate, it is now no longer to be inquired, what advantages can be gained to this nation by protecting her, or whether the benefits of victory will be equivalent to the hazards of war? These questions are already determined. It has already appeared necessary to this house, to restore the balance of power by preserving the house of Austria; and the only question, therefore, that remains is, by what means we shall endeavour to preserve it? and whether the means that have already been used, deserve our approbation?

Among the several schemes that were proposed for this end, it appeared most proper to the ministry to form an army in the low countries, whence they might be ready to march wherever their presence might be required, and where they might be easily supplied with necessaries. This army was to be raised with expedition; the affairs of the queen of Hungary could admit of no delay; auxiliary troops were, therefore, to be hired, and it appeared to them more proper to hire the troops of Hanover than of any other nation.

That the affairs of the queen of Hungary would admit of no delay, and that, therefore, the army in the low countries was very speedily to be formed, cannot be doubted by any one that compares her power with that of the nation against which she was contending; a nation incited by a long train of success to aspire to universal monarchy; a nation which has long been assembling armies, and accumulating treasures, in order to give law to the rest of the world; which had for many years stood against the united

force of all the bordering powers, and to which the house of Austria is not equal in its full strength, much less when its treasures had been exhausted, and its troops destroyed in an unfortunate war before the death of the emperour; and when almost every part of its dominions was threatened by a particular power, and the troops of each province were employed in the defence of their own towns; so that no great armies could be collected, because no place could be left without defenders.

Such was the state of the Austrian dominions, when the troops of France broke in upon them; and in this state it must readily be acknowledged, that neither courage nor prudence could procure success; that no stratagems could long divert, nor any resistance repel such superiority of power, and that, therefore, relief must be speedy, to be efficacious.

That to bring the relief which we had promised, with expedition sufficient to procure any advantages to our ally, to preserve her provinces from being laid waste, her towns from being stormed, and her armies from being ruined; to repress the confidence of the French, and recall them from conquests to the defence of their own territories, it was apparently necessary to hire foreign troops; for to have sent over all our own forces, had been to have tempted the French to change their design of invading the Austrian dominions, into that of attacking Britain, and attempting to add this kingdom to their other conquests; to have raised new troops with expedition equal to the necessity that demanded them, was either absolutely impossible, or at least, very difficult; and when raised, they would have been only new troops, who, whatever might be their courage, would have been without skill in war, and would, therefore, have been distrusted by those whom they assisted, and despised by those whom they opposed.

Nothing, therefore, remained, but that auxiliaries should be tried, and the only question then to be decided, was, what nation should be solicited to supply us? Nor was this so difficult to be answered as in former times, since there was not the usual liberty of choice; many of the princes

who send their troops to fight for other powers, were at that time either influenced by the promises, or bribed by the money, or intimidated by the forces of France; some of them were engaged in schemes for enlarging their own dominions, and therefore were unwilling to supply others with those troops for which they were themselves projecting employment; and, perhaps, of some others it might reasonably be doubted, whether they would not betray the cause which they should be retained to support, and whether they would not in secret wish the depression of the queen of Hungary, by means of those invaders whom they promised to resist.

Sir, amidst all these considerations, which there was not time completely to adjust, it was necessary to turn their eyes upon some power to which none of these objections could be made; and, therefore, they immediately fixed upon the electorate of Hanover, as subject to the same monarch, and of which, therefore, the troops might be properly considered as our national allies, whose interest and inclinations must be the same with our own, and whose fidelity might be warranted by our own sovereign.

It was no small advantage that the contract for these troops could be made without the delay of tedious negotiations; that they were ready to march upon the first notice, and that they had been long learned in the exactest discipline.

The concurrence of all these circumstances easily determined our ministers in their choice, and the troops were ordered to join the Britons in the Low Countries; a step which so much alarmed the French, that they no longer endeavoured to push forward their conquests, nor appeared to entertain any other design than that of defending themselves, and returning in safety to their own country.

Such was the conduct of our ministry, such were their motives, and such has been their success; nor do I doubt but this house will, upon the most rigorous examination, find reason to approve both their integrity and prudence. Of their integrity they could give no greater proof, than their confidence of the agreement of this house to measures

which, though conformable in general to our resolutions, were not particularly communicated to us; because, indeed, it could not be done without loss of time, which it was necessary to improve with the utmost diligence, and a discovery of those designs, which ought only to be known by the enemy after they were executed. Of their prudence, their success is a sufficient evidence; and, therefore, I cannot doubt but gentlemen will give a sanction to their conduct, by providing, according to the estimates before the committee, for the support of troops, which have been found of so great use.

Lord POWLETT rose up next, and spoke to the effect following:—Sir, the honourable gentleman has with so much clearness and elegance displayed the state of Europe, explained the necessity of hiring foreign troops, and showed the reasons for which the troops of Hanover were preferred to those of any other nation, that I believe it not to be of any use to urge other arguments than those which he has produced.

As, therefore, it is indisputably necessary to hire troops, and none can be hired which can be so safely trusted as those of Hanover, I cannot but agree with the right honourable gentleman, that this measure of his majesty ought to be supported.

Sir JOHN ST. AUBYN then spoke as follows:—Sir, it is with the greatest difficulties that I rise up to give you this trouble, and particularly after the honourable gentleman with whom I am so very unequal to contend. But when my assent is required to a proposition, so big with mischiefs, of so alarming a nature to this country, and which I think, notwithstanding what the honourable gentleman has most ingeniously said, must determine from this very day, who deserves the character and appellation of a Briton, I hope you will forgive me, if I take this last opportunity which perhaps I may ever have of speaking with the freedom of a Briton in this assembly.

I am not able to follow the honourable gentleman in any refinements of reason upon our foreign affairs; I have not

subtilty enough to do it, nor is it in my way as a private country gentleman. But though country gentlemen have not that sagacity in business, and, for want of proper lights being afforded us, the penetration of ministers into publick affairs; yet give me leave to say, they have one kind of sense which ministers of state seldom have, and at this time it is of so acute a nature, that it must overthrow the arguments of the most refined administration; this is the sense of feeling the universal distresses of their country, the utter incapacity it now lies under of sustaining the heavy burdens that are imposing upon it.

This I take to be the first, the great object of this day's debate. Consider well your strength at home, before you entangle yourselves abroad; for if you proceed without a sufficient degree of that, your retreat will be certain and shameful, and may in the end prove dangerous. Without this first, this necessary principle, whatever may be the machinations, the visionary schemes of ministers, whatever colourings they may heighten them with, to mislead our imaginations, they will prove in the end for no other purpose, but to precipitate this nation, by empty captivating sounds, into the private views and intrigues of some men, so low, perhaps, in reputation and authority, as to be abandoned to the desperate necessity of founding their ill possessed precarious power upon the ruins of this country.

Next to the consideration of our inward domestick strength, what foreign assistances have we to justify this measure? Are we sure of one positive active ally in the world? Nay, are not we morally certain that our nearest, most natural ally, disavows the proceeding, and refuses to cooperate with us? One need not be deep read in politicks to understand, that when one state separates itself from another, to which it is naturally allied, it must be for this plain reason, that the interest is deserted which is in common to them both. And it is an invariable rule in this country, a rule never to be departed from, that there can no cause exist in which we ought to engage on the continent, without the aid and assistance of that neighbouring

state. This is the test, the certain mark, by which I shall judge, that the interest of this country is not at present the object in pursuit.

Is any man then wild enough to imagine, that the accession of sixteen thousand Hanoverian mercenaries will compensate for the loss of this natural ally? No; but it is said that this indicates such a firmness and resolution within ourselves, that it will induce them to come in. Sir, if they had any real proofs of our firmness and resolution, that the interest of this country was to be pursued, I dare say they would not long hesitate. But they look with a jealous eye upon this measure, they consider it as an argument of your weakness, because it is contrary to the genius and spirit of this country, and may, therefore, lessen his majesty in the affections of his people.

They have for some years past looked upon a British parliament as the corrupt engine of administration, to exhaust the riches, and impair the strength of this country. They have heard it talk loudly, indeed, of the house of Austria, when it was in your power to have raised her to that state, in which she was properly to be considered as the support of the balance of Europe, if timid neutralities had not intervened, and our naval strength had properly interposed to her assistance.

They have lately looked upon this parliament, and with the joy of a natural ally they have done it, resenting your injuries, bravely withstanding the power, that you might restore the authority of your government, demanding constitutional securities, appointing a parliamentary committee for inquiry and justice. Sir, they now see that inquiry suppressed, and justice disappointed. In this situation, what expectations can we form of their accession to us; talking bigly, indeed, of vindicating foreign rights, but so weak and impotent at home, as not to be able to recover our own privileges?

But this measure is said to be undertaken in consequence of the advice of parliament. There has been great stress laid upon this. It has been loudly proclaimed from the throne, echoed back again from hence, and the whole na-

tion is to be amused with an opinion, that upon this measure, the fate of the house of Austria, the balance and liberties of Europe, the salvation of this country, depend.

But was this fatal measure the recommendation of parliament, or was it the offspring of some bold enterprising minister, hatched in the interval of parliament, under the wings of prerogative; daring to presume upon the corruption of this house, as the necessary means of his administration? The object, indeed, might be recommended, but if any wrong measure is undertaken to attain it, that measure surely should be dropt; for it is equally culpable to pursue a good end by bad measures, as it is a bad end by those that are honest.

But as to the address, I wish gentlemen would a little consider the occasion which produced it. Sir, it proceeded from the warmth of expectation, the exultation of our hearts, immediately after, and with the same breath that you established your committee of inquiry; and it is no forced construction to say, that it carries this testimony along with it, that national securities and granting supplies were reciprocal terms.

But, sir, I must own for my part, was the occasion never so cogent, Hanoverian auxiliaries are the last that I would vote into British pay; not upon the consideration only, that we ought otherwise to expect their assistance, and that we should rather make sure of others that might be engaged against us; but from this melancholy apprehension, that administrations will for ever have sagacity enough to find out such pretences, that we may find it difficult to get rid of them again.

Besides, the elector of Hanover, as elector of Hanover, is an arbitrary prince; his electoral army is the instrument of that power; as king of Great Britain he is a restrained monarch. And though I don't suspect his majesty, and I dare say the hearts of the British soldiery are as yet free and untainted, yet I fear that too long an intercourse may beget a dangerous familiarity, and they may hereafter become a joint instrument, under a less gracious prince, to invade our liberties.

His majesty, if he was rightly informed, I dare say would soon perceive the danger of the proposition which is now before you. But, as he has every other virtue, he has, undoubtedly, a most passionate love for his native country, a passion which a man of any sensation can hardly divest himself of; and, sir, it is a passion the more easily to be flattered, because it arises from virtue. I wish that those who have the honour to be of his councils, would imitate his royal example, and show a passion for their native country too; that they would faithfully stand forth and say, that, as king of this country, whatever interests may interfere with it, this country is to be his first, his principal care; that in the act of settlement this is an express condition. But what sluggish sensations, what foul hearts must those men have, who, instead of conducting his majesty's right principles, address themselves to his passions, and misguide his prejudices? making a voluntary overture of the rights and privileges of their country, to obtain favour, and secure themselves in power; misconstruing that as a secondary consideration, which in their own hearts they know to be the first.

Sir, we have already lost many of those benefits and restrictions which were obtained for us by the revolution, and the act of settlement. For God's sake, let us proceed no farther. But if we are thus to go on, and if, to procure the grace and favour of the crown, this is to become the flattering measure of every successive administration,—— this country is undone!

Mr. BLADEN then rose up, and spoke to the following purport:—Sir, if zeal were any security against errour, I should not willingly oppose the honourable gentleman who has now declared his sentiments; and declared them with such ardour, as can hardly be produced but by sincerity; and of whom, therefore, it cannot be doubted, that he has delivered his real opinion; that he fears from the measures which he censures, very great calamities; that he thinks the publick tranquillity in danger; and believes that his duty to his country obliged him to speak on this occasion with unusual vehemence.

But I am too well acquainted with his candour to imagine, that he expects his assertions to be any farther regarded than they convince; or that he desires to debar others from the same freedom of reason which he has himself used. I shall therefore proceed to examine his opinion, and to show the reasons by which I am induced to differ from him.

The arguments upon which he has chiefly insisted, are the danger of hiring the troops of Hanover in any circumstances, and the impropriety of hiring them now without the previous approbation of the senate.

The danger of taking into our pay the forces of Hanover, the contrariety of this conduct to the act of settlement, and the infraction of our natural privileges, and the violation of our liberties which is threatened by it, have been asserted in very strong terms, but I think not proved with proportionate force; for we have heard no regular deduction of consequences by which this danger might be shown, nor have been informed, how the engagement of sixteen thousand Hanoverians to serve us against France for the ensuing year, can be considered as more destructive to our liberties than any other forces.

It is, indeed, insinuated, that this conduct will furnish a dangerous precedent of preference granted to Hanover above other nations; and that this preference may gradually be advanced, till in time Hanover may, by a servile ministry, be preferred to Britain itself, and that, therefore, all such partiality ought to be crushed in the beginning, and its authors pursued with indignation and abhorrence.

That to prefer the interest of Hanover to that of Britain would be in a very high degree criminal in a British ministry, I believe no man in this house will go about to deny; but if no better proof can be produced, that such preference is intended than the contract which we are now desired to ratify, it may be with reason hoped, that such atrocious treachery is yet at a great distance; for how does the hire of Hanoverian troops show any preference of Hanover to Britain?

The troops of Hanover are not hired by the ministry as

braver or more skilful than those of our own country; they are not hired to command or to instruct, but to assist us; nor can I discover, supposing it possible to have raised with equal expedition the same number of forces in our own country, how the ministry can be charged with preferring the Hanoverians by exposing them to danger and fatigue.

But if it be confessed, that such numbers would not possibly be raised, or, at least, not possibly disciplined with the expedition that the queen of Hungary required, it will be found, that the Hanoverians were at most not preferred to our own nation, but to other foreigners, and for such preference reasons have been already given which I shall esteem conclusive, till I hear them confuted.

The other objection on which the honourable gentleman thought it proper to insist, was the neglect of demanding from the senate a previous approbation of the contract which is now before us; a neglect, in his opinion, so criminal, that the ministry cannot be acquitted of arbitrary government, of squandering the publick money by their own caprice, and of assuming to themselves the whole power of government.

But the proof of this enormous usurpation has not yet been produced; for it does not yet appear, that there was time to communicate their designs to the senate, or that they would not have been defeated by communication; and, therefore, it is yet not evident, but that when they are censured for not having laid their scheme before the senate, they are condemned for omitting what was not possibly to be done, or what could not have been done, without betraying their trust, and injuring their country.

It is allowed, that the senate had resolved to assist the queen of Hungary; and, therefore, nothing remained for the ministers but to execute with their utmost address the resolution that had been formed; if for the prosecution of this design they should be found to have erred in their choice of means, their mistakes, unless some ill designs may justly be suspected, are to be imputed to the frailty of human nature, and rather to be pitied, and relieved as misfortunes, than punished as crimes.

But I doubt not, that in the course of our deliberations, we shall find reason for concluding that they have acted not only with fidelity but prudence; that they have chosen the means by which the great end which the senate proposed, the succour of the queen of Hungary, and consequently the reestablishment of the balance of power, will be most easily attained; and that they have taken into the pay of this nation those troops which may be trusted with the greatest security, as they have the same prince, and the same interest.

But the honourable gentleman appears inclined to advance a new doctrine, and to insinuate, that when any vote is passed by the senate, the ministers are to suppose some conditions which are to be observed, though they were never mentioned, and without which the voice of the senate is an empty sound. In pursuance of this supposition, he calls upon us to recollect the time and circumstances in which this vote was passed; he reminds us, that the concession was made in a sudden exultation of our hearts, in the raptures of triumph, and amidst the shouts of conquest, when every man was forming expectations which have never been gratified, and planning schemes which could never be perfected.

He seems therefore to think, that our ministers insidiously took advantage of our intoxication, and betrayed us in a fit of thoughtless jollity to a promise, which when made, we hardly understood, and which we may, therefore, now retract. He concludes, that the concession which might then escape us ought not to have been snatched by our ministers, and made the foundation of their conduct, because they knew it was made upon false suppositions, and in prospect of a recompense that never would be granted.

I hope there is no necessity for declaring, that this reasoning cannot safely be admitted, since, if the vote of the senate be not a sufficient warrant for any measure, no man can undertake the administration of our affairs, and that government which no man will venture to serve must be quickly at an end.

For my part, I know not how the nation or the senate has been disappointed of any just expectations, nor can I

conceive that any such disappointments vacate their votes or annul their resolutions, and therefore I cannot but think the ministry sufficiently justified, if they can show that they have not deviated from them.

Lord QUARENDON spoke next to the effect following:—Sir, I am so far from thinking that the past conduct or the present proposals of the ministry deserve approbation, that, in my opinion, all the arguments which have been produced in their favour are apparently fallacious, and even the positions on which they are founded, and which are laid down as uncontrovertible, are generally false.

It is first asserted, that we are indispensably obliged to assist the queen of Hungary against France, and to support her in the possession of the hereditary dominions of the Austrian house, and from thence is precipitately inferred the necessity of assembling armies, and hiring mercenaries, of exhausting our treasure, and heaping new burdens upon the publick.

That we concurred with other powers in promising to support the Pragmatick sanction is not to be denied, nor do I intend to insinuate, that the faith of treaties ought not strictly to be kept; but we are not obliged to perform more than we promised, or take upon ourselves the burden which was to be supported by the united strength of many potentates, and of which we only engaged to bear a certain part. We ought, undoubtedly, to furnish the troops which we promised, and ought to have sent them when they were first demanded; but there is no necessity that we should supply the deficiencies of every other power, and that we should determine to stand alone in defence of the Pragmatick sanction; that we should, by romantick generosity, impoverish our country, and entail upon remotest posterity poverty and taxes. We ought to be honest at all events; we are at liberty, likewise, to be generous at our own expense, but I think we have hardly a right to boast of our liberality, when we contract debts for the advantage of the house of Austria, and leave them to be paid by the industry or frugality of succeeding ages.

It is, therefore, at least, dubious, whether we ought to

hazard more than we promised in defence of the house of Austria; and, consequently, the first proposition of those who have undertaken the defence of the ministry requires to be better established, before it becomes the basis of an argument.

But though it be allowed, that we ought to exceed our stipulations, and engage more deeply in this cause than we have promised, I cannot yet discover upon what principles it can be proved, that sixteen thousand Hanoverians ought to be hired. Why were not our troops sent which have been so long maintained at home only for oppression and show? Why have they not at last been shown the use of those weapons which they have so long carried, and the advantages of that exercise which they have been taught to perform with so much address? Why have they not, at length, been shown for what they had so long received their pay, and informed, that the duty of a soldier is not wholly performed by strutting at a review?

If it be urged, that so great a number could not be sent out of the kingdom without exposing it to insults and irruptions, let it be remembered how small a force was found sufficient for the defence of the kingdom in the late war, when the French were masters of a fleet which disputed, for many years, the empire of the sea; and it will appear, whether it ought to be imputed to prudence or to cowardice, that our ministers cannot now think the nation safe without thrice the number, though our fleets cover the ocean, and steer from one coast to another without an enemy.

But to show more fully the insufficiency of the vindication which has been attempted, and prove, that no concession will enable the ministry to defend their schemes, even this assertion shall be admitted. We will allow for the present, that it is necessary to garrison an island with numerous forces against an enemy that has no fleet. I will grant, that invaders may be conveyed through the air, and that the formidable, the detestable pretender may, by some subterraneous passage, enter this kingdom, and start on a sudden into the throne. Yet will not all this liberal-

ity avail our ministers, since it may be objected, that new forces might easily have been raised, and our own island have been, at once, defended, and the queen of Hungary assisted by our native troops.

Since the necessity of expedition is urged, it may reasonably be inquired, what it was that appeared so immediately necessary, or what has been brought to pass by this wonderful expedition? Was it necessary to form an army to do nothing? Could not an expedition in which nothing was performed, in which nothing was attempted, have been delayed for a short time, and might not the queen of Hungary have been preserved equally, whether the troops of her allies slept and fattened in her country or their own?

Nothing, surely, can be more ridiculous than to expatiate upon the necessity of raising with expedition an useless body of forces, which has only been a burden to the country in which it has been stationed, and for which pay is now demanded, though they have neither seen a siege nor a battle; though they have made no attempt themselves, nor hindered any that might have been made by the enemy.

To make this plea yet more contemptible, we are informed, that if we had raised an army of our countrymen, they would have been unacquainted with arms and discipline, and, therefore, they could not have done what has been done by these far-famed Hanoverians. This, indeed, I cannot understand, having never found, that the Britons needed any documents or rules to enable them to eat and drink at the expense of others, to bask in the sun, or to loiter in the street, or perform any of the wonders that may be ascribed to our new auxiliaries; and, therefore, I cannot but think, that all the actions of the four months for which those forces expect to be paid, might have been brought to pass by new-raised Britons, who might in the mean time have learned their exercise, and have been made equal to any other soldiers that had never seen a battle.

But if foreign troops were necessary, I am still at a loss to find out why those of Hanover were chosen, since it

appears to me, that by hiring out his troops to Britain, our monarch only weakens one hand to strengthen the other. It might be expected, that he should have employed these troops against France without hire, since he is not less obliged, either by treaty or policy, to protect the house of Austria as elector of Hanover, than as king of Britain.

Since, therefore, the troops of Hanover were hired, without the consent of the senate, they have hitherto performed nothing; and since it is reasonable to expect, that without being paid by Britain they will be employed against the French, I think it expedient to discharge them from our service, and to delay the pay which is required for the last four months, till it shall appear how they have deserved it.

Mr. FOX then rose, and spoke to the following purport: —Sir, though the observations of the right honourable gentleman must be allowed to be ingenious, and though the eloquence with which he has delivered them, naturally excites attention and regard, yet I am obliged to declare, that I have received rather pleasure than conviction from his oratory; and that while I applaud his imagination and his diction, I cannot but conclude, that they have been employed in bestowing ornaments upon errour.

I shall not, indeed, attempt to confute every assertion which I think false, or detect the fallacy of every argument which appears to me sophistical, but shall leave to others the province of showing the necessity of engaging in the war on the continent, of employing a large force for the preservation of the house of Austria, and of forming that army with the utmost expedition, and of taking auxiliaries into our pay, and confine myself to this single question, whether, supposing auxiliaries necessary, it was not prudent to hire the troops of Hanover?

Nothing can be, in my opinion, more apparent, than that if the necessity of hiring troops be allowed, which surely cannot be questioned, the troops of Hanover are to be chosen before any other, and that the ministry consulted in their resolutions the real interest of their country, as well as that of our ally.

The great argument which has in all ages been used against mercenary troops, is the suspicion which may justly be entertained of their fidelity. Mercenaries, it is observed, fight only for pay, without any affection for the master whom they serve, without any zeal for the cause which they espouse, and without any prospect of advantage from success, more than empty praises, or the plunder of the field, and, therefore, have no motives to incite them against danger, nor any hopes to support them in fatigues; that they can lose nothing by flight, but plunder, nor by treachery, but honour; and that, therefore, they have nothing to throw into the balance against the love of life, or the temptations of a bribe, and will never be able to stand against men that fight for their native country under the command of generals whom they esteem and love, and whom they cannot desert or disobey, without exposing themselves to perpetual exile, or to capital punishment.

These arguments have always been of great force, and, therefore, that nation whose defence has been intrusted to foreigners, has always been thought in danger of ruin. Yet there have been conjunctures in which almost every state has been obliged to rely upon mercenaries, and in compliance with immediate necessity, to depend upon the fidelity of those who had no particular interest in supporting them. But with much greater reason may we trust the success of the present war, in some degree, to the troops of Hanover, as they are, perhaps, the only foreign forces against which the arguments already recited are of no force. They are foreigners, indeed, as they are born in another country, and governed by laws different from ours; but they are the subjects of the same prince, and, therefore, naturally fight under the same command; they have the same interest with ourselves in the present contest, they have the same hopes and the same fears, they recommend themselves equally to their sovereign by their bravery, and can neither discover cowardice nor treachery, without suffering all the punishment that can be feared by our native troops, since their conduct must be censured by the same prince of whose approbation they are equally ambitious, and of whose displeasure they are equally afraid.

As to the troops which any neutral prince might furnish, there would be reason to fear, that either for larger pay, or upon any casual dispute that might arise, they might be withdrawn from our service when they were most needed, or transferred to the enemy at a time when his distress might compel him to offer high terms, and when, therefore, there was a near prospect of an advantageous peace. But of the troops of Hanover no such suspicion can be formed, since they cannot engage against us without rebelling against their prince; for it cannot be imagined, that his majesty will fight on one side as elector of Hanover, and on the other as king of Britain; or that he will obstruct the success of his own arms, by furnishing the troops of Hanover to the enemies of this kingdom.

It, therefore, appears very evident, that we have more to hope and less to fear from the troops of Hanover, than from any other; since they have the same reason with ourselves to desire the success of the queen of Hungary, and to dread the increasing greatness of the French; and that they can be suspected neither of treachery nor desertion. It is not very consistent with that candour with which every man ought to dispute on publick affairs, to censure those measures which have been proposed, without proposing others that are more eligible; for it is the duty of every man to promote the business of the publick; nor do I know why he that employs his sagacity only to obstruct it, should imagine, that he is of any use in the national council.

I doubt not but I shall hear many objections against the use of these troops, and that upon this question, virulence and ridicule will be equally employed. But for my part, I shall be little affected either with the laughter that may be raised by some, or the indignation that may be expressed by others, but shall vote for the continuance of these measures till better shall be proposed; and shall think, that these troops ought to be retained, unless it can be shown, that any others may be had, who may be less dangerous, or of greater use.

Mr. PITT then rose up, and spoke in substance as follows:—Sir, if the honourable gentleman determines to abandon his present sentiments as soon as any better mea-

sures are proposed, I cannot but believe, that the ministry will very quickly be deprived of one of their ablest defenders; for I think the measures which have hitherto been pursued so weak and pernicious, that scarcely any alteration can be proposed that will not be for the advantage of the nation.

He has already been informed, that there was no necessity of hiring auxiliary troops, since it does not yet appear, that either justice or policy required us to engage in the quarrels of the continent, that there was any need of forming an army in the Low Countries, or that, in order to form an army, auxiliaries were necessary.

But not to dwell upon disputable questions, I think it may be justly concluded, that the measures of our ministry have been ill concerted, because it is undoubtedly wrong to squander the publick money without effect, and to pay armies only to be a show to our friends, and a jest to our enemies.

The troops of Hanover, whom we are now expected to pay, marched into the Low Countries, indeed, and still remain in the same place; they marched to the place most distant from enemies, least in danger of an attack, and most strongly fortified, if any attack had been designed; nor have any claim to be paid, but that they left their own country for a place of greater security.

It is always reasonable to judge of the future by the past; and, therefore, it is reasonable to conclude, that the services of these troops will not, next year, be of equal importance with that for which they are now to be paid; and I shall not be surprised, though the opponents of the ministry should be challenged, after such another glorious campaign, to propose better men, and should be told, that the money of this nation cannot be more properly employed than in hiring Hanoverians to eat and sleep.

But to prove yet more particularly, that better measures may be taken, and that more useful troops may be retained, and that, therefore, the honourable gentleman may be expected to quit those to whom he now adheres, I shall show, that in hiring the forces of Hanover, we have obstructed

our own designs; that we have, instead of assisting the queen of Hungary, withdrawn part of her allies from her; and that we have burdened the nation with troops, from whom no service can be reasonably expected.

The advocates for the ministry have, on this occasion, affected to speak of the balance of power, the Pragmatick sanction, and the preservation of the queen of Hungary, not only as if they were to be the chief care of Britain, which, though easily controvertible, might, perhaps, in compliance with long prejudices, be admitted, but as if they were to be the care of Britain alone; as if the power of France were formidable to no other people, as if no other part of the world would be injured by becoming a province to an universal monarchy, and being subjected to an arbitrary government of a French deputy, by being drained of its inhabitants, only to extend the conquests of its masters, and to make other nations equally miserable, and by being oppressed with exorbitant taxes, levied by military executions, and employed only in supporting the state of its oppressors. They dwell upon the importance of publick faith, and the necessity of an exact observation of treaties; as if the Pragmatick sanction had been signed by no other potentate than the king of Britain, or as if the publick faith were to be obligatory to us only.

That we should inviolably observe our treaties, and observe them though every other nation should disregard them; that we should show an example of fidelity to mankind, and stand firm, though we should stand alone in the practice of virtue, I shall readily allow; and, therefore, I am far from advising that we should recede from our stipulations, whatever we may suffer by performing them, or neglect the support of the Pragmatick sanction, however we may be at present embarrassed, or however inconvenient it may be to assert it.

But surely for the same reason that we observe our own stipulations, we ought to incite other powers, likewise, to the observation of theirs; at least not contribute to hinder it. But how is our present conduct agreeable to these principles? The Pragmatick sanction was confirmed not

only by the king of Britain, but by the elector, likewise, of Hanover, who is, therefore, equally obliged, if treaties constitute obligation, to defend the house of Austria against the attacks of any foreign power, and to send in his proportion of troops to the support of the queen of Hungary.

Whether these troops have been sent, those whose provinces oblige them to some knowledge of foreign affairs, can inform the house with more certainty than I; but since we have not heard them mentioned in this debate, and have found, by experience, that none of the merits of that electorate are passed over in silence, it may, I think, fairly be concluded, that the distresses of the illustrious queen of Hungary have yet received no alleviation from her alliance with Hanover, that her complaints have moved no compassion at that court, nor the justice of her cause obtained any regard.

To what can we impute this negligence of treaties, this disregard of justice, this defect of compassion, but to the pernicious counsels of those men who have advised his majesty to hire to Britain those troops which he should have employed in the assistance of the queen of Hungary; for it is not to be imagined, that his majesty has more or less regard to justice as king of Britain, than as elector of Hanover; or that he would not have sent his proportion of troops to the Austrian army, had not the temptations of greater profit been industriously laid before him.

But this is not all that may be urged against this conduct; for can we imagine, that the power of France is less, or that her designs are less formidable to Hanover than to Britain? nor is it less necessary for the security of Hanover, that the house of Austria should be reestablished in its former grandeur, and enabled to support the liberties of Europe against the bold attempts for universal monarchy.

If, therefore, our assistance be an act of honesty, and granted in consequence of treaties, why may it not equally be required of Hanover? And if it be an act of generosity, why should this nation alone be obliged to sacrifice her own interest to that of others? Or why should

the elector of Hanover exert his liberality at the expense of Britain?

It is now too apparent, that this great, this powerful, this formidable kingdom, is considered only as a province to a despicable electorate; and that, in consequence of a scheme formed long ago, and invariably pursued, these troops are hired only to drain this unhappy nation of its money. That they have hitherto been of no use to Britain, or to Austria, is evident beyond controversy; and, therefore, it is plain, that they are retained only for the purposes of Hanover.

How much reason the transactions of almost every year have given for suspecting this ridiculous, ungrateful, and perfidious partiality, it is not necessary to mention. I doubt not but most of those who sit in this house can recollect a great number of instances, from the purchase of part of the Swedish dominions, to the contract which we are now called upon to ratify. I hope few have forgotten the memorable stipulation for the Hessian troops, for the forces of the duke of Wolfenbuttel, which we were scarcely to march beyond the verge of their own country, or the ever memorable treaty, of which the tendency is discovered in the name; the treaty by which we disunited ourselves from Austria, destroyed that building which we may, perhaps, now endeavour, without success, to raise again, and weakened the only power which it was our interest to strengthen.

To dwell upon all the instances of partiality which have been shown, to remark the yearly visits that have been made to that delightful country, to reckon up all the sums that have been spent to aggrandize and enrich it, would be at once invidious and tiresome; tiresome to those who are afraid to hear the truth, and to those who are unwilling to mention facts dishonourable or injurious to their country; nor shall I dwell any longer on this unpleasing subject than to express my hopes, that we shall not any longer suffer ourselves to be deceived and oppressed; that we shall at length perform the duty of the representatives of the people, and by refusing to ratify this contract, show, that

however the interest of Hanover has been preferred by the ministers, the senate pays no regard but to that of Britain.

Mr. HORACE WALPOLE then spoke to the following purpose:—Sir, though I have long considered the mercenary scribblers of disaffection as the disgrace of the kingdom and the pest of society, yet I was never so fully sensible of their pernicious influence.

I have hitherto imagined, that the weekly journalists and the occasional pamphleteers were the oracles only of the lowest of the people; and that all those whom their birth or fortune has exalted above the crowd, and introduced to a more extensive conversation, had considered them as wretches compelled to write by want, and obliged, therefore, to write what will most engage attention, by flattering the envy or the malignity of mankind; and who, therefore, propagate falsehoods themselves, not because they believe them, and disseminate faction, not because they are of any party, but because they are either obliged to gratify those that employ them, or to amuse the publick with novelties, or disturb it with alarms, that their works may not pass unregarded, and their labour be spent in vain.

This is my opinion of the party writers, and this I imagined the opinion of the rest of mankind, who had the same opportunities of information with myself: nor should I readily have believed, that any of their performances could have produced greater effects than those of inflaming the lowest classes of the people, and inciting drunkards to insult their superiours, had I not perceived, that the honourable gentleman who spoke last, owed his opinions of the partiality shown to the dominions of Hanover, to a late treatise which has, on occasion of this contract, been very industriously dispersed among the people.

Of this detestable pamphlet, I know not the author, nor think he deserves that any inquiry should be made after him, except by a proclamation that may set a price upon his head, and offer the same reward for discovering him, as is given for the conviction of wretches less criminal: nor can I think the lenity of the government easily to be distinguished from supineness and negligence, while libels

like this are dispersed openly in the streets, and sold in shops without fear and without danger; while sedition is professedly promoted, and treason, or sentiments very nearly bordering upon treason, propagated without disguise.

The scribbler of this wicked treatise has endeavoured to corrupt the principles of his majesty's faithful subjects, not only by vilifying the memory of the late king, whose justice, humanity, and integrity, are generally reverenced, but by insinuating, likewise, that our present most gracious sovereign has adopted the same schemes, and endeavours to aggrandize Hanover at the expense of Britain; that all the measures that have been taken with regard to the affairs of the continent, have been contrived with no other view than that of advancing the interest, enlarging the bounds, and increasing the riches of the Hanoverian territories; he declares, that Britain has been steered by the rudder of Hanover, and that the nation will soon be divided into two more opposite and irreconcilable parties, than ever yet disturbed the publick peace, Britons and Hanoverians.

That he himself, whoever he be, longs for those times of division and confusion, may be easily believed, and the number of those who have the same wishes with himself, is, I fear, too great; but I believe their hopes will not be encouraged, nor their designs promoted in this house; and that none of those who are intrusted to represent their country, will suffer themselves to be misled by such wicked insinuations.

Mr. NUGENT then spoke to this effect:—Sir, I know not for what reason the honourable gentleman has thought it convenient to retard the deliberations of this house, by expatiating upon the falsehood and malignity of a pamphlet, of which the author is unknown, of which no man has attempted the vindication, and which, however diligently dispersed, or however generally credited, appears to have had no great influence upon the nation, nor to have produced any effects that might give just occasion to so tragical an outcry, to censures as vehement and bitter, as if the trumpet of rebellion had been sounded, as if half the

people had taken arms against their governours, as if the commonwealth was on the brink of dissolution, and armies were in full march against the metropolis.

This pamphlet, with the rest of the people, I have read; and though I am far from thinking, that the censure of that honourable gentleman can make a defence necessary, since, indeed, he has contented himself with invective instead of argument, and, whatever he may disapprove, has confuted nothing: and though I have no particular reason for exposing myself as the champion for this author, whoever he may be, yet I cannot forbear to affirm, that I read some passages with conviction, and that, in my opinion, they require a different answer from those which have been yet offered; and that the impressions which have been made upon the people, will not be effaced by clamour and rage, and turbulence and menaces, which can affect only the person of the writer, but must leave his reasons in their full force, and even with regard to his person, will have very little effect; for though some men in power may be offended, it will not be easy to quote any law that has been broken by him.

On this occasion I cannot but animadvert, I hope with the same pardon from the house, as has been obtained by the honourable gentleman whom I am now following, upon an expression in frequent use among the followers of a court, whenever their measures are censured with spirit and with justice. The papers which they cannot confute, and which they have not yet been able to obtain the power of suppressing, are asserted to *border* upon treason; and the authors are threatened with punishments, when they have nothing to fear from a reply.

Treason is happily defined by our laws, and, therefore, every man may know when he is about to commit it, and avoid the danger of punishment, by avoiding the act which will expose him to it; but with regard to the *borders* of treason, I believe no man will yet pretend to say how far they extend, or how soon, or with how little intention he may tread upon them. Unhappy would be the man who should be punished for *bordering* upon guilt, of which those

fatal *borders* are to be dilated at pleasure by his judges. The law has hitherto supposed every man, who is not *guilty*, to be *innocent;* but now we find that there is a kind of medium, in which a man may be in danger without guilt, and that in order to security, a new degree of caution is become necessary; for not only crimes, but the borders of crimes are to be avoided.

What improvements may be made upon this new system, how far the borders of treason may reach, or what pains and penalties are designed for the *borderers,* no degree of human sagacity can enable us to foresee. Perhaps the borders of royalty may become sacred, as well as the borders of treason criminal; and as every placeman, pensioner, and minister, may be said to border on the court, a kind of sanctity may be communicated to his character, and he that lampoons or opposes him, may border upon treason.

To dismiss this expression with the contempt which it deserves, yet not without the reflections which it naturally excites, I shall only observe, that all extension of the power of the crown must be dangerous to us; and that whoever endeavours to find out new modes of guilt, is to be looked on, not as a good subject, but a bad citizen.

Having thus shown, that the censure produced against this pamphlet is unintelligible and indeterminate, I shall venture to mention some of the assertions which have heated the gentleman into so much fury. Assertions which I cannot be supposed to favour, since I wish they might be false, and which I only produce in this place to give some, whom their stations make acquainted with publick affairs, an opportunity of confuting them.

It is asserted, that the French appear to have treated all our armaments with contempt, and to have pursued all their schemes with the same confidence as if they had no other enemy to fear than the forces of Austria; this is, indeed, no pleasing observation, nor can it be supposed to give satisfaction to any Briton, to find the reputation of our councils and of our arms so much diminished, to find the nation which lately gave laws to Europe, scarcely ad-

mitted to friendship, or thought worthy of opposition in enmity, to hear that those troops, which, in the days of our former monarchs, shook the thrones of the continent, are passed by, without fear, and without regard, by armies marching against their allies, those allies in whose cause they formerly fought in the field. But the truth of the assertion is too plain to all the nations of the world; and those whose interest it may be to conceal from their countrymen what is known to all the continent, may rage, indeed, and threaten, but they cannot deny it; for what enterprise have we hitherto either prevented or retarded? What could we have done on one side, or suffered on the other, if we had been struck out from existence, which has not been suffered, or not done, though our armies have been reviewed on the continent, and, to make yet a better show, lengthened out by a line of sixteen thousand of the troops of Hanover.

It is asserted in the same treatise, that the troops of Hanover cannot act against the king, and that, therefore, they are an useless burden to the state; that they compose an army of which no other effect will be found but that they eat, and eat at the expense of Britain. This assertion is, indeed, somewhat more contestable than the former, but is at least credible; since, if we may be permitted on this, as on other occasions, to judge of the future from the past, we may conclude, that those who have let pass such opportunities as their enemies have in the height of contempt and security presented to them, will hardly ever repair the effects of their conduct, by their bravery or activity in another campaign; but that they will take the pay of Britain, and, while they fatten in plenty, and unaccustomed affluence, look with great tranquillity upon the distresses of Austria, and, in their indolence of gluttony, stand idle spectators of that deluge, by which, if it be suffered to roll on without opposition, their own halcyon territories must at last be swallowed up.

The last assertion which I shall extract from this formidable pamphlet, is more worthy of attention than the former, but, perhaps, may be suspected to border more

nearly upon treason: I shall, however, venture to quote, and, what is still more dangerous, to defend it.

It is proposed that, instead of squandering, in this time of danger, the expenses of the publick upon troops of which it is at best doubtful, whether they will be of any use to the queen of Hungary, whether they can legally engage against the king, and whether they would be of any great use, though they were set free from any other restraints than regard to their own safety; instead of amusing our ally with an empty show of assistance, of mocking her calamities with unefficacious friendship, and of exposing ourselves to the ridicule of our enemies, by idle armaments without hostility, by armies only to be reviewed, and fleets only to be victualled, we should remit the sums required for the payment of the Hanoverians to the queen of Hungary, by whom we know that it will be applied to the great purposes for which the senate granted it, the establishment of the liberties of Europe, and the repression of the house of Bourbon.

This proposal, however contrary to the opinion of the ministers, I take the liberty of recommending to the consideration of the house, as, in my opinion, the most effectual method of preserving the remains of the greatness of the house of Austria. It is well known, that these troops are hired at a rate which they never expected before, that levy-money is paid for forces levied before the commencement of the bargain, that they are paid for acting a long time before they began to march, and that, since they appeared to consider themselves as engaged in the quarrel, their march has been their whole performance, a march not against the enemy, but from him; a march, in which there was nothing to fear, nor any thing to encounter; and, therefore, I think it cannot be denied, that the publick treasure might have been better employed.

The same sum remitted to the queen of Hungary, will enable her to hire a much greater number of troops out of her own dominions, troops of whose courage she can have no doubt, and whose fidelity will be strengthened by common interest and natural affection; troops that will fight

like men, defending their wives and their children, and who will, therefore, bear fatigue with patience, and face danger with resolution; who will oppose the French as their natural enemies, and think death more eligible than defeat.

Thus shall we assert the rights of mankind, and support the faith of treaties, oppose the oppressors of the world, and restore our ancient allies to their former greatness, without exhausting our own country; for it is not impossible, that by the proper use of this sum, the queen may obtain such advantages in one campaign, as may incline the French to desert the king, and content themselves with the peaceable possession of their own territories; for it is to be remembered, that they are now fighting only for a remote interest, and that they will not hazard much; a firm resistance will easily incline them to wait for some more favourable opportunity, and there will be then leisure for forming our measures in such a manner, that another opportunity may never be offered them.

But of the present scheme, what effect can be expected but ignominy and shame, disgrace abroad, and beggary at home? to this expense what limits can be set? when is there to be an end of paying troops who are not to march against our enemies? as they will at all times be of equal use, there will be at all times the same reason for employing them, nor can there ever be imagined less need of idle troops, than in a time of war.

I am, therefore, afraid, that in a short time the Hanoverians may consider Britain as a tributary province, upon which they have a right to impose the maintenance of sixteen thousand men, who are to be employed only for the defence of their own country, though supported at the expense of this. I am afraid that we shall be taught to imagine, that the appearance of the Hanoverians is necessary in our own country, perhaps to check the insolence of the sons of freedom, who, without fear, border upon treason. I am afraid, that his majesty or his successour may be advised by sycophants and slaves to trust the guard of his person to the trusty Hanoverians, and advised to place no confidence in the natives of Britain.

For my part, I think it a very wise precept by which we are directed to obviate evils in the beginning; and therefore, since, in my opinion, the influence of Hanover must be destructive to the royal family, and detrimental to those kingdoms, I shall endeavour to obviate it by voting against any provision for these useless mercenaries, and declaring that I shall more willingly grant the publick money to any troops than those of Hanover.

Lord PERCIVAL spoke next as follows:—Sir, I look upon the question now under your consideration, to vary very little in reality from that which was debated here the first day of this session. The principal point in the debate of that day, was the same with that which is more regularly the debate of this, *whether the* Hanoverian *forces should be taken into* British *pay?*

Sir, I should then have offered my sentiments upon this question, if so many other gentlemen had not delivered my sense in so much a better manner than I thought myself able to do, that it would have appeared a great presumption in me, and would have given the house an unnecessary trouble. The same reason had induced me to have been silent also upon this occasion, if the temper of the times, the little indulgence shown by gentlemen to one another, when they happen to differ in political opinions, and the popular circumstance in which I stand, did not in some sort oblige me to protect the vote I then gave, and that which I now intend to give, by the reasons that induce me to give it.

Sir, there are three principal considerations in this question; first, whether we are to assist the house of Austria and balance of power at all, aye or no? then, whether we ought to do it with our whole force? and lastly, whether the Hanoverian troops should be made a part of that force?

As to the first consideration, a new doctrine has been taught and inculcated for some months past, that it is of no importance to this nation what may happen on the continent; that this country being an island intrenched within its own natural boundaries, it may stand secure and uncon-

cerned in all the storms of the rest of the world. This doctrine, inconsistent as it is with all sense and reason, contrary as it is to the universal principles of policy by which this nation hath been governed from the conquest to this hour, is yet openly professed and avowed by many without these walls; and though no man has yet ventured to own this opinion publickly and directly in this house, yet some gentlemen even here, in effect maintain it, when they argue, that in no case this nation ought to assist or support the balance of power without the concurrence of the Dutch. This tends inevitably to produce the same fatal effect; it reduces this country to depend upon Holland, to be a province to Holland; and France would then have no more to do to become mistress of all Europe, than to gain over one single town of the United Provinces, or to corrupt a few members of the States; it is, therefore, a doctrine of the greatest danger. The only solid maxim is, that whoever becomes master of the continent, must in the end obtain the dominion of the sea. To confirm this, I may venture to cite an old example, nor can I be accused of pedantry in doing of it, since it is an instance drawn from the last universal monarchy to which the world submitted. The Romans had no sooner divided, broken and subdued those powers upon the continent of Europe, who had given a diversion in the great attempt they had long intended, than they attacked the Carthaginians, a maritime power, potent in arms, immensely opulent, possessed of the trade of the whole world, and unrivalled mistress of the sea. Yet these people, who enjoyed no wealth, pursued no commerce, and at the commencement of their quarrel were not masters of a single ship, at length prevailed against this enemy upon their proper element, beat and destroyed their fleets, invaded their dominions, and subdued their empire. From whence, sir, I must conclude, that we cannot wholly rely upon our situation, or depend solely on our naval power; and I may venture to reason upon this axiom, *that this nation must contribute to support the house of Austria and the balance of power in some degree.*

The next question that occurs, is, in what degree we ought to do it, and whether we should do it with our whole force? Taking, therefore, our footing here upon this axiom, that we must contribute to it in some degree, and taking farther to our aid the reasoning of those gentlemen, who think it a work of such extreme danger, and almost desperate, the natural and evident conclusion can be only this, that as we must do it, so we must do it *with the utmost vigour, and with our whole force.*

We come now to consider, whether the Hanoverian troops should be made part of that force? There are several considerations previous to the decision of this question. First, whether they are *as cheap* as any other forces we can hire? Then, whether they are *as good?* Next, whether they are as properly *situated?* And whether they are *as much to be depended upon?* If, as to every one of these particulars, the answer must be made in the affirmative, I think it will go very far to determine the question now before you.

As to the first, *that they are as cheap,* nay, upon the whole, much cheaper, the estimates now upon your table, notwithstanding any cavil, do sufficiently demonstrate.

That they are as good, what man can doubt, who knows the character of the German nation? What man can doubt, who knows the attention of his majesty to military discipline? Those gentlemen can least pretend to doubt it, who sometimes do not spare reflections upon that attention which they insinuate to be too great.

That these troops are not properly *situated,* will be hardly asserted at this time, when they are actually now in Flanders, and now acting in conjunction with our troops. Let any man consider the map of Europe, let him observe the seat of the war, and he must evidently see, that whether their service may be required in Flanders, whether upon the Rhine, or in the heart of Germany, in every one of these cases, the Hanoverian forces are *as properly circumstanced and situated as any troops in Europe.*

It remains in the last place to examine, *whether any other troops can be better depended upon;* and sure nothing

can be more obvious than that we may rely with more security on these than any other. They are subjects of the same prince, and of a prince indulgent to all his subjects, and accused by those who differ in other points from me, of being partial against the interest of his German dominions. Unless, therefore, we arraign the first principle upon which a free government can be supported, and without which every exercise of arbitrary power would be warranted, we must allow that such a people will be faithful to such a prince, will defend him with a strict fidelity, and support his quarrel with the utmost zeal; with a zeal which can never be expected from the mercenary troops of any other foreign power.

This naturally leads us to inquire what other troops we can depend upon; the answer to this inquiry is short and positive; that as affairs now stand abroad, we can depend upon none but these; let us carry this consideration with us in a survey of all Europe; *shall we take into our pay sixteen thousand of the Dutch?* Would this be the means of bringing Holland into alliance with us? Would they act at their own expense, would they exert their own proper force? Would they pay their own troops in aid of the common cause, when they found this nation ready to do it for them? They would act like madmen if they did. *Shall we hire* Danes? Is there a gentleman in this house, who is not convinced that this power has been warped, for some time past, towards the interest of France? When we hired these troops in the last instance, did they not deceive us? Did they not even refuse to march? nay, farther, are they not in all appearance now upon the point of being employed in a quarrel of their own? a quarrel in which they will have need of all their force. *Shall we then hire* Saxons? An honourable gentleman seemed to think that there may be some possibility of this, and perhaps there may hereafter, when the king of Prussia's views are known, and the part he shall resolve to act; but Saxony is certainly now too much exposed to, and cannot fail to be alarmed at his growing power; at the great augmentation of his armies, and the secret and vast designs which he

seems to meditate. This measure, therefore, is not practicable in the present conjuncture; that electorate cannot hazard its own security in these precarious circumstances, by lending out so great a body of its troops. Would gentlemen advise the hire of Prussian troops to serve us in this conjuncture? They who do advise it, must forget strangely the part so lately acted by that prince, and the variety of his conduct with regard to his different allies within the space of the two last years. I shall guard myself in my expressions, and maintain a proper respect in discoursing of so great a character; but I must say thus much, that the ministry would act with great imprudence, to put the safety of the British troops, and to risk the fate of this army, upon the event of such a measure. I need not say more; for it is not yet proved to us, that this prince would (I wish there was no reason to believe he would not) lend us this body of his men, though we should be disposed to take them into pay. *The Swiss cantons, therefore, now alone remain;* and indeed from them we probably might procure a greater number; but I leave it to the judgment of any man of sense and candour, whether any minister of this nation could warrant the employment of sixteen thousand Swiss in this service? For when we reflect upon the situation of these provinces, and compare it with that of our British troops who are now in Flanders, it is visible that they must pass four hundred miles upon the borders of the Rhine, flanked by the strong places of France, during their whole march, exposed to the garrisons and armies upon that frontier, by whom it can never be supposed that they would be suffered to pass unmolested, when France must so well know the intention of their march to be for no other end, but to make a conjunction with other troops in the British pay, in order afterwards to invade, or at least to interrupt the views of that kingdom with their united force.

These reasons, sir, prove invincibly to me, that if we are to assist the house of Austria by an army, we must, of prudence, nay, of necessity, in part, compose that army of the Hanoverian troops.

But yet there is another state of this question, an alter-

native of which some gentlemen seem very fond, *whether it would not be better to assist the queen of Hungary with money only?*

This opinion at first sight is extremely plausible; if the queen of Hungary has been able to do so much with an aid of 500,000*l.* what might she not be able to do with a million more? Sir, a million more would by no means answer in the same proportion. When a sum is given her, which with the best economy can suffice barely to put her troops in motion, when the enemy is at her very gates, her all at an immediate stake, there can be no room for a misapplication of it. But a sum so immense as that of a million and a half, would dazzle the eyes of a court so little used to see such sums; and as an honourable gentleman, [Mr. Horace Walpole,] long versed in foreign affairs, and well acquainted with these matters, told you in a former debate, would be much of it squandered among the Austrian ministers and favourites. I make no scruple to add to this, that some small part might fall to the share of ministers elsewhere. But there is another danger which gentlemen who contend for this measure do not consider: can they who profess a distrust of all ministers, and particularly those who are now employed at home; they who have ever argued against all votes of credit, upon this principle, that it affords an opportunity to ministers of defrauding the service, and of putting large sums into the purse of the crown, or into their private pockets; can they now argue for this measure, which I may be bold to say, would be in effect the most enormous vote of credit that was ever given in the world? Gentlemen insinuate, that the taking the Hanoverian forces into British pay, is a criminal complaisance, calculated only to confirm an infant and a tottering administration. But how much greater means for such a purpose, would an alternative like this afford? Suppose a minister, unfirm in his new-acquired power, to ingratiate himself with his prince, should propose a scheme to replenish the coffers of an exhausted civil list, squandered in such vile purposes, that no man could have the hardiness to come to parliament, or dare to hope a supply

for it by any regular application to this house? What method could be devised by such a minister himself, to do the job more excellent than this? For who can doubt that (guard it how you will) the queen of Hungary might be induced, in the condition in which she now stands, to accept a million, and to give a receipt in full for the whole sum? How could you prevent an understanding of this kind between two courts? and how easy, therefore, might it be to sink 500,000*l.* out of so vast a grant? Sir, I will suspect no minister, but I will trust none in this degree; and I wonder other gentlemen do not suspect, if I do not. From hence, therefore, I consider this as a proposition both fallacious and unsafe; for though it be a fact, that the same sum of money might maintain in Austria double the number of troops; yet, if no more than half that money should be applied (as I have shown great reason to believe that it would not) to the uses of the war, it is evident that you would deceive yourselves, and would have but an equal number of raw, irregular, undisciplined, and much worse troops for it.

But, sir, there is yet a stronger argument against the supply in money only. What are our views in supporting the queen of Hungary? Our views are *general* and *particular*; *general*, to save the house of Austria, and to preserve a balance of power; *particular*, to prevent the French from making any farther acquisitions on this side of Flanders. The first might possibly be answered in a good degree, by giving that princess an equivalent in money; but the second cannot be securely provided against, without an army on this side of Europe in the British pay. Sir, is it not natural for every one of us to guard our vital parts, rather than our more remote members? Would not the queen of Hungary (stipulate and condition with her as you please) apply the greatest part of these subsidies in defence of her dominions in the heart of Germany? Might it not even induce her to enlarge her views, and to think of conquests and equivalents for what she has already lost, which it might be vain and ruinous for us to support her in? Would she not leave

Flanders to shift for itself, or still to be taken care of by the Dutch and Britain? In such a case, if France should find it no longer possible to make any impression on her territories on the German side, what must we expect to be the consequence? I think it very visible she would on a sudden quit her expensive and destructive projects on that quarter, and there only carry on a defensive war, while she fell with the greater part of her force at once upon the Low Countries, which would by this measure be wholly unprovided; and she might there acquire in one campaign, before any possibility of making head against her, (which the Dutch would hardly attempt, and could certainly not alone be able to effect,) all that she has been endeavouring for the last century to obtain, and what no union of powers could be ever capable of regaining from her. All this will be effectually prevented by an army paid by us on this side of Europe; an army ready to march to the borders of her country, and to intercept her succours and supplies for the German war; an army, ready to protect the petty states, whose interest and inclination it apparently must be to declare for us, and to join their forces with us, when they no longer fear the power of France; an army, which may possibly give courage and spirit to greater powers, who may still doubt, without these vigorous measures, (after what they have formerly experienced,) whether they could even yet depend upon us; an army, (if the posture of affairs should make it necessary,) able to cause a powerful diversion to the French forces, by an attack upon Lorrain and Champagne, and still within distance to return upon its stops in time, to prevent the French from carrying any point of consequence in Flanders, should they then attempt it.

One argument more, I beg leave to mention, and it is of great weight. Admit that the sums raised upon the subject might be greater in the one case than the other, the sums remitted out of the kingdom would be infinitely less. Whatever is remitted to the queen of Hungary, is buried in the remotest parts of Germany, and can never return to

us; whereas in a war carried on by troops in our own pay on this side, by much the greater part of the expense returns to us again, in part by the pay of officers, by the supply of provisions and necessaries in a country exhausted by armies, ammunition, ordnance, horses, clothing, accoutrements, and a multitude of other articles, which I need not enumerate, because experience, which is the soundest reasoner, fully proved it in the example of the last war, at the conclusion of which, notwithstanding the prodigious sums expended in it, this nation felt no sensible effect, from a diminution of its current specie.

Sir, I was prepared to have spoken much more largely to this subject, but my discourse has already been drawn to a greater length than I imagined, in treating upon the argument thus far. I shall, therefore, avoid troubling you any farther upon it at this time; I shall only observe, that in my humble opinion, it is sufficiently proved, first, that we must assist the house of Austria, and that we must do it with all our force; next, that we cannot do it with money only, but in part with a land army, and that this land army cannot be conveniently (I may say possibly) composed, at this time, without the Hanoverian troops. This question, therefore, can, I think, be no longer debated, but upon the foot of popular prejudices and insinuations of an improper connexion of Hanoverian and British interests; but as I could not enter into this subject without concern and indignation, and as it is a very delicate point for me in particular to debate upon, I shall leave this part of the question to other gentlemen, who can engage in it both with less inconvenience, and with more ability, than it is possible for me to do.

To which Mr. GEORGE GRENVILLE replied in substance:—Sir, though I am far from thinking myself able to produce, without study or premeditation, a complete answer to the elaborate and artful harangue which you have now heard, yet as I cannot be convinced of the reasonableness of the measures which have been defended with so much subtilty, I shall at least endeavour to show,

that my disapprobation is not merely the effect of obstinacy, and that I have at least considered the proposals of the ministry, before I have ventured to condemn them.

Whether we ought to think ourselves indispensably obliged to maintain, at all events, the balance of power on the continent, to maintain it without allies, to maintain it against a combination of almost all Europe, I shall not now inquire; I will suppose it, for once, our duty to struggle with impossibility, and not only to support the house of Austria when it is attacked, but to raise it when it is fallen; fallen by our own negligence, and oppressed with the weight of all the surrounding powers; and shall, therefore, at present, only inquire by what means we may afford that assistance with most benefit to our allies, and least danger to ourselves.

With regard to our ally, that assistance will be apparently most advantageous to her, by which her strength will be most increased, and therefore it may, perhaps, be more useful to her to find her money than troops; but if we must supply her with troops, I doubt not but it will readily appear, that we may easily find troops which may be of more use and less expense than those of Hanover.

It has been observed, with regard to the convenient situation of those troops, that it cannot now be denied, since they are acting in Flanders in conjunction with the British forces. This is an assertion to which, though it was uttered with an air of victorious confidence, though it was produced as an insuperable argument, by which all those who intended opposition were to be reduced to silence and despair, many objections may be made, which it will require another harangue equally elaborate to remove.

That the troops of Hanover are now acting in conjunction with the Britons, I know not how any man can affirm, unless he has received intelligence by some airy messengers, or has some sympathetick communication with them, not indulged to the rest of mankind. None of the accounts which have been brought hither of the affairs of the continent have yet informed us of any action, or tendency to action; the Hanoverians have, indeed, been reviewed in

conjunction with our forces, but have, hitherto, not *acted;* nor have the armies yet cemented the alliance by any common danger, or shown yet that they are friends otherwise than by sleeping and eating together, by eating at the expense of the same nation.

Nor am I at present inclined to grant, that either army is situated where it may be of most use to the queen of Hungary; for they now loiter in a country which no enemy threatens, and in which nothing, therefore, can be feared; a country very remote from the seat of war, and which will probably be last attacked. If the assistance of the queen of Hungary had been designed, there appears no reason why the Hanoverians should have marched thither, or why this important conjunction should have been formed, since they might, in much less time, and with less expense, have joined the Austrians, and, perhaps, have enabled them to defeat the designs of the French, and cut off the retreat of the army which was sent to the relief of Prague. But this march, though it would have been less tedious, would have been more dangerous, and would not have been very consistent with the designs of those who are more desirous of receiving wages than of deserving them; nor is it likely, that those who required levy-money for troops already levied, and who demanded that they should be paid a long time before they began to march, would hurry them to action, or endeavour to put a period to so gainful a trade as that of hiring troops which are not to be exposed.

This conduct, however visibly absurd, I am very far from imputing either to cowardice or ignorance; for there is reason to suspect, that they marched into Flanders only because they could not appear in any other place as the allies of the queen of Hungary, without exposing their sovereign to the imperial interdict.

It is, therefore, not only certain, that these troops, these boasted and important troops, have not yet been of any use; but probable, that no use is intended for them, and that the sole view of those who have introduced them into our service, is to pay their court by enriching Hanover with the spoils of Britain.

That this is in reality their intention, appears from the estimates to which an appeal has been so confidently made, but which, if they are compared with a contract made for the troops of the same nation in the last war, will show how much their price has risen since their sovereign was exalted to this throne; though I cannot find any proof that their reputation has increased, nor can discover, from their *actions* in Flanders, any reason to believe that their services will be greater.

It is now to little purpose to inquire, whether there are any other troops that could have been more properly employed, since it is certain, that whatever may be the general character, or the late conduct of other nations, it is the interest of Britain to employ rather any troops than these, as any evil is rather to be chosen than animosities between our sovereign and our fellow-subjects; and such animosities must inevitably arise from this detestable preference of the troops of Hanover.

[The question was carried by 67, the Ayes being 260; Noes 193. This affair was again debated with vehemence upon the report on Monday, December 13, 1742, upon a question, whether the levy-money should stand part of the general question, which was carried by 53; Ayes 230, Noes 177.]

HOUSE OF LORDS, FEBRUARY 1, 1742-3.

The order of the day for taking into consideration the several estimates of the charge of the forces in the pay of Great Britain was read, upon which lord STANHOPE rose up, and spoke in substance as follows:—

My lords, I have always understood, that the peculiar happiness of the British nation consists in this, that nothing of importance can be undertaken by the government, without the consent of the people as represented by the other house, and that of your lordships, whose large possessions, and the merits either of your ancestors or yourselves, have

given you the privilege of voting in your own right in national consultations.

The advantages of this constitution, the security which it confers upon the nation, and the restraint which it lays upon corrupt ministers, or ambitious princes, are in themselves too obvious to admit of explanation, and too well known in this great assembly, by whose ancestors they were originally obtained, and preserved at the frequent hazard of life and fortune, for me to imagine, that I can make them either more esteemed or better understood.

My intention, my lords, is not to teach others the regard which the constitution of our government, or the happiness of the nation demands from them, but to show how much I regard them myself, by endeavouring to preserve and defend them at a time when I think them invaded and endangered.

Upon the examination of the estimates now before us, I cannot but think it necessary, my lords, that every man who values liberty, should exert that spirit by which it was first established; that every man should rouse from his security, and awaken all his vigilance and all his zeal, lest the bold attempt that has been now made should, if it be not vigorously repressed, be an encouragement to the more dangerous encroachments; and lest that fabrick of power should be destroyed, which has been erected at such expense and with such labour; at which one generation has toiled after another, and of which the wisdom of the most experienced and penetrating statesmen have been employed to perfect its symmetry, and the industry of the most virtuous patriots to repair its decays.

The first object which the estimates force upon our observation is a numerous body of foreign troops, for the levy and payment of which a very large sum is demanded; and demanded at a time when the nation is to the last degree embarrassed and oppressed, when it is engaged in a war with a powerful empire, and almost overwhelmed with the debts that were contracted in former confederacies; when it is engaged in a war, not for the recovery of forgotten claims, or for the gratification of restless ambition, not for

the consumption of exuberant wealth, or for the discharge of superfluous inhabitants; but a war, in which the most important interests are set to hazard, and by which the freedom of navigation must be either established or lost; a war which must determine the sovereignty of the ocean, the rights of commerce, and the state of our colonies; a war, in which we may, indeed, be victorious without any increase of our reputation; but in which we cannot be defeated without losing all our influence upon foreign powers, and becoming subject to the insolence of petty princes.

When foreign troops are hired, at a time like this, it is natural to expect that they have been procured by contracts uncommonly frugal; because no nation can be supposed to be lavish in a time of distress. It is natural, my lords, to expect that they should be employed in expeditions of the utmost importance; because no trifling advantage ought to incite a people overburdened with taxes, to oppress themselves with any new expense; and it may be justly supposed, that these troops were hired by the advice of the senate; because no minister can be supposed so hardened in defiance of his country, in contempt of the laws, and in disregard of the publick happiness, as to dare to introduce foreigners into the publick service, in prosecution of his own private schemes, or to rob the nation which he professes to serve, that he may increase the wealth of another.

But upon consideration of this estimate, my lords, all these expectations, however reasonable in themselves, however consistent with the declarations of the wisest statesmen, and the practice of former times, will be disappointed; for it will be found that the troops, of which we are now to ratify the provisions for their payment, are raised at an expense never known on the like occasion before, when the nation was far more able to support it; that they have yet been employed in no expedition, that they have neither fought a battle, nor besieged a town, nor undertaken any design, nor hindered any that has been formed by those against whom they are pretended to have been raised; that they have not yet drawn a sword

but at a review, nor heard the report of fire-arms but upon a festival; that they have not yet seen an enemy, and that they are posted where no enemy is likely to approach them.

But this, my lords, is not the circumstance which ought, in my opinion, most strongly to affect us; troops may be raised without being employed, and money expended without effect; but such measures, though they ought to be censured and rectified, may be borne without any extraordinary degree of indignation. While our constitution remains unviolated, temporary losses may be easily repaired, and accidental misconduct speedily retrieved; but when the publick rights are infringed, when the ministry assume the power of giving away the properties of the people, it is then necessary to exert an uncommon degree of vigour and resentment; it is as necessary to stop the encroachments of lawless power, as to oppose the torrent of a deluge; which may be, perhaps, resisted at first, but from which, the country that is once overwhelmed by it, cannot be recovered.

To raise this ardour, my lords, to excite this laudable resentment, I believe it will be only necessary to observe, that those troops were raised without the advice or the consent of the senate; that this new burden has been laid upon the nation by the despotick will of the ministers, and that the demands made for their support may be said to be a tax laid upon the people, not by the senate, but by the court.

The motives upon which the ministry have acted on this occasion are, so far as they can be discovered, and, indeed, there appears very little care to conceal them, such as no subject of this crown ever dared to proceed upon before; they are such as the act of settlement, that act to which our sovereign owes his title to this throne, ought for ever to have excluded from British councils.

I should proceed, my lords, to explain this new method of impoverishing our country, and endeavour to show the principles from which it arises, and the end which it must promote. But some sudden indisposition obliges me to

contract my plan, and conclude much sooner than I intended, with moving, "that an humble address be presented to his majesty, to beseech and advise his majesty, that considering the excessive and grievous expenses, incurred by the great number of foreign troops now in the pay of Great Britain, (expenses so increased by the extraordinary manner, as we apprehend, of making the estimates relating thereunto, and which do not appear to us conducive to the end proposed,) his majesty will be graciously pleased, in compassion to his people, loaded already with such numerous and heavy taxes, such large and growing debts, and greater annual expenses than this nation, at any time, ever before sustained, to exonerate his subjects of the charge and burden of those mercenaries who were taken into our service last year, without the advice or consent of parliament."

Lord SANDWICH spoke next in support of the motion to the following effect:—My lords, though I heard the noble lord with so much pleasure, that I could not but wish he had been able to deliver his sentiments more fully upon this important affair; yet I think the motion so reasonable and just, that though he might have set it yet more beyond the danger of opposition, though he might have produced many arguments in defence of it, which, perhaps, will not occur to any other lords; yet I shall be able to justify it in such a manner, as may secure the approbation of the unprejudiced and disinterested; and, therefore, I rise up to second it with that confidence, which always arises from a consciousness of honest intentions, and of an impartial inquiry after truth.

The measures, my lords, which have given occasion to this motion, have been for some time the subject of my reflections; I have endeavoured to examine them in their full extent, to recollect the previous occurrences by which the ministry might have been influenced to engage in them, and to discover the certain and the probable consequences which they may either immediately, or more remotely produce; I have laboured to collect from those who are supposed to be most acquainted with the state of Europe, and

the scheme of British policy which is at present pursued, the arguments which can be offered in favour of these new engagements; and have compared them with the conduct of former ages upon the like occasions; but the result of all my searches into history, all my conversation with politicians of every party, and all my private meditations, has been only, that I am every hour confirmed, by some new evidence, in the opinion which I had first formed; and now imagined myself to know what I at first believed, that we are entangled in a labyrinth of which no end is to be seen, and in which no certain path has yet been discovered; that we are pursuing schemes which are in no degree necessary to the prosperity of our country, by means which are apparently contrary to law, to policy, and to justice; and that we are involved in a foreign quarrel only to waste that blood, and exhaust that treasure, which might be employed in recovering the rights of commerce, and regaining the dominion of the sea.

To prosecute the war against Spain with that vigour which interest and resentment might be expected to produce, to repress that insolence by which our navigation has been confined, and to punish that rapacity by which our merchants have been plundered, and that cruelty by which our fellow-subjects have been enslaved, tortured, and murdered, had been an attempt in which every honest man would readily have concurred, and to which all those who had sense to discern their own interest, or virtue to promote the publick happiness, would cheerfully have contributed, however loaded with taxes, oppressed with a standing army, and plundered by the vultures of a court: nor is the ancient spirit of the British nation so much depressed, but that when Spain had been subdued, when our rights had been publickly acknowledged, our losses repaired, and our colonies secured; when our ships had again sailed in security, and our flag awed the ocean of America, we might then have extended our views to foreign countries, might have assumed, once more, the guardianship of the liberties of Europe, have given law to the powers of the continent, and superintended the happiness

of mankind. But in the present situation of our affairs, when we have made war for years without advantage, while our most important rights are yet subject to the chance of battle, why we should engage in the defence of other princes more than our stipulations require, I am not able to discover; nor can I conceive what motive can incite us, after having suffered so much from a weak enemy to irritate a stronger.

To the measures which are now pursued, were there no other arguments to be alleged against them, I should think it, my lords, a sufficient objection that they are unnecessary, and that this is not a time for political experiments, or for wanton expenses. I should think, that the present distresses of the publick ought to restrain your lordships from approving any steps by which our burdens may be made more heavy, burdens under which we are already sinking, and which a peace of more than twenty years has not contributed to lighten.

But that they are unnecessary, my lords, is the weakest allegation that can be offered; for they are such as tend not only to obstruct the advancement of more advantageous designs, but to bring upon us the heaviest calamities; they will not only hinder us from increasing our strength, but will sink us to the greatest degree of weakness; they will not only impoverish us for the present, which may be sometimes the effect of useful and beneficial designs, but may depress us below a possibility of recovery, and reduce us to receive laws from some foreign power.

This is, indeed, a dreadful prospect; but what other can arise to us from a war with France, with the most wealthy empire of the universe, of which we were sufficiently shown the strength in the late war, by the resistance which all the surrounding nations found it able to make against their united efforts, and which the debts that they then contracted, and the towns that were then destroyed, will not easily suffer them to forget. Of this empire, my lords, thus powerful, thus formidable, neither the dominions are contracted, nor the trade impaired, nor

the inhabitants diminished. The French armies are no less numerous than under their late mighty monarch, their territories are increased by new acquisitions, their trade has long been promoted by the destruction of ours, and their wealth has been, by consequence, increased. They have not, my lords, like this unhappy nation, been exhausted by temporary expedients and useless armaments; they have not harassed their merchants to aggrandize the court, nor thrown away the opportunities which this interval of quiet has afforded them, in the struggles of faction; they have not been multiplying officers to betray the people, and taxing the people to support their oppressors; but have with equal policy, diligence, and success, recovered the losses which they then sustained, and enabled themselves to make another stand against a general confederacy.

Against this empire, my lords, are we now to be engaged in a war, without trade, and without money, loaded with debts, and harassed with exactions; for what consequences can be expected from sending our troops into the frontier towns, but that the French will charge us with beginning hostilities, and declare war against us, or attack us without a declaration; and that we shall be obliged to stand alone against the whole power of the house of Bourbon, while all our ancient allies stand at a distance spiritless and intimidated, or, perhaps, secretly incite our enemies against us, in hopes of sharing our plunder, or of rising on our ruin.

I know it has been alleged, and alleged with such a degree of confidence, as it is reasonable to hope nothing could produce but a consciousness of truth, that the Dutch have already consented to assist us; nor is it without regret, that I find myself obliged to declare, that this assertion is nothing more than one of those transient visions with which it has been for a long time the custom of British ministers to delude the people, to pacify their clamours, and lull them in security; one of those artifices from which nothing more is expected, than that it shall operate upon the nation, till the circumstances of our affairs furnish out another, which is likewise, in a short time, to be exploded

only to make way for new falsehoods in a perpetual succession.

Such, my lords, is the art of government discovered by the wonderful sagacity of modern statesmen; who have found out, that it is easier to palliate than to cure; and that the people may be quieted by political soporificks, while diseases are preying upon them, while their strength decays, and their vitals are consumed.

That these falsehoods prevail upon mankind, and that after the discovery of one cheat, another equally gross is patiently borne, cannot but raise the wonder of a man who views the world at a distance, and who has not opportunities of inquiring into the various motives of action or belief. Such an one would be inclined to think us a nation of fools, that must be stilled with rattles, or amused with baubles; and would readily conclude, that our ministers were obliged to practise such fallacies, because they could not prevail upon us by motives adapted to reasonable beings.

But if we reflect, my lords, upon the different principles upon which reports like these are propagated and opposed, it will easily be discovered that their success is not to be imputed either to superiour art on one side, or uncommon weakness on the other. It is well known that they are promoted by men hired for that purpose with large salaries, or beneficial employments, and that they can be opposed only from a desire of detecting falsehood, and advancing the publick happiness: it is apparent that those who invent, those who circulate, and, perhaps, part of those who counterfeit belief of them, are incited by the prospect of private advantage, and immediate profit; and that those who stop them in their career by contradiction and objections, can propose no other benefit to themselves, than that which they shall receive in common with every other member of the community; and, therefore, whoever has sufficiently observed mankind, to discover the reason for which self-interest has in almost all ages prevailed over publick spirit, will be able to see why reports like these are not always suppressed by seasonable detections.

A minister ought not to flatter himself that he has always deceived those who appear to credit his representations; their silence is not so often the effect of credulity, as of cowardice or indolence. Many are overborne by the pomp of great offices, and others who distinguish more clearly, and judge with greater freedom, are contented to enjoy their own reflections, without reproving those whom they despair to reform.

This report of the engagement of the Dutch in our measures, shall, however, furnish our ministers with no opportunity of boasting their address, nor shall it pass any longer without contradiction; for I shall, without any scruple, affirm in the presence of this august assembly, that the Dutch have hitherto appeared absolutely neutral; that they have not shown any approbation of our measures, nor any inclination to assist us in them. I know, my lords, how disagreeable this assertion may be to those, whose interest it is that mankind should believe them of no less importance in the eyes of foreign powers than in their own, and should imagine that the remotest nations of the world are influenced by their motions, and directed by their counsels; but however they may resent this declaration, I defy them to confute it, and now call upon them to show that the Dutch have engaged in any measure for the support of the queen of Hungary.

The late augmentation of twenty thousand men, which may possibly be mentioned as a proof of their intention, shows nothing but that they pursue their own interest with their usual prudence and attention, and with such as it is to be wished that our ministers would condescend to learn from them; and that they are too wise to suffer the towns from which the Austrians have, by our persuasions, withdrawn their troops to fall into the hands of the French. They have, therefore, substituted new garrisons, but seem to have no regard to the interest of the queen of Hungary, nor any other view than that of providing for their own security, waiting the event of the war, and laying hold of any advantage that may accidentally be offered them.

It may be urged farther by those who are desirous to

deceive others, or willing to be deceived themselves, that the province of Holland has passed a vote for assisting the queen of Hungary with twenty thousand men; but if it be remembered, my lords, that this must be the general act of the United States, and that every province has its own particular views to gratify, and its own interest to reconcile with the general good, it may be very reasonably suspected, that this assistance is yet rather the object of hope than expectation; it may justly be feared, that before so many various dispositions will unite, and such different schemes will be made consistent, the house of Austria may be extinguished, that our forces may be destroyed, and Germany enslaved by the French. Then, my lords, what will remain, but that we shall curse that folly that involved us in distant quarrels, and that temerity which sent us out to oppose a power which we could not withstand; and which incited us to waste that treasure in foreign countries, which we may quickly want for the defence of our own?

It must be, indeed, confessed, that if an estimate is to be made of our condition, from the conduct of our ministers, the fear of exhausting our treasure must be merely panick, and the precepts of frugality which other states have grown great by observing, are to be absolutely unnecessary. It may reasonably be imagined that we have some secret mine, or hidden repository of gold, which no degree of extravagance can drain, and which may for ever supply the most lavish expenses without diminution.

For upon what other supposition, my lords, can any man attempt a defence of the contract, by which we have obtained for one campaign the service of the troops of Hanover? What but the confidence of funds that can never be deficient, could influence them to conclude a stipulation, by which levy-money is to be paid for troops of which not a single regiment was raised for our service, or on the present occasion; which were established for the security of the electorate of Hanover, and would have been maintained, though we had not engaged in the affairs of the continent.

What were the reasons which induced our ministry to employ the forces of Hanover, it is, perhaps, not necessary to inquire. The only motive that ought to have influenced them, was the prospect of obtaining them upon cheap terms; for, my lords, if the troops of Hanover cannot be obtained, but at the same expense with those of Britain, I am not able to discover why they should be preferred. I have never heard, my lords, any uncommon instances of Hanoverian courage, that should incline us to trust the cause of Europe rather to that nation than to our own; and am inclined to believe, that Britain is able to produce men equal in all military virtues to any native of that happy country; a country which, though it was thought worthy to be secured by a neutrality, when all the neighbouring provinces were exposed to the ravages of war, I have never heard celebrated for any peculiar excellencies; and of which I cannot but observe, that it was indebted for its security rather to the precaution of its prince, than the bravery of its inhabitants.

This demand of levy-money shocks every Briton yet more strongly, on considering by whom it is required; required by that family whom we have raised from a petty dominion, for which homage was paid to a superiour power; and which was, perhaps, only suffered to retain the appearance of a separate sovereignty, because it was not worth the labour and expense of an invasion; because it would neither increase riches nor titles, nor gratify either avarice or ambition; by a family whom, from want and weakness, we have exalted to a throne, from whence, with virtue equal to their power, they may issue their mandates to the remotest parts of the earth, may prescribe the course of war in distant empires, and dictate terms of peace to half the monarchs of the globe.

I should imagine, my lords, that when a king of the house of Hanover surveys his navies, reviews his troops, or examines his revenue, beholds the splendour of his court, or contemplates the extent of his dominions, he cannot but sometimes, however unwillingly, compare his present state with that of his ancestors; and that when he gives audi-

ence to the ambassadours of princes, who, perhaps, never heard of Hanover, and directs the payment of sums, by the smallest of which all his ancient inheritance would be dearly purchased; and reflects, as surely he sometimes will, that all these honours and riches, this reverence from foreign powers, and his domestick splendour, are the gratuitous and voluntary gifts of the mighty people of Britain, he should find his heart overflowing with unlimited gratitude, and should be ready to sacrifice to the happiness of his benefactors, not only every petty interest, or accidental inclination, but even his repose, his safety, or his life; that he should be ready to ease them of every burden before they complained, and to aid them with all his power before they requested his assistance; that he should consider his little territories as only a contemptible province to his British empire, a kind of nursery for troops to be employed without harassing his more valuable subjects.

It might be at least hoped, my lords, that the princes of the house of Hanover might have the same regard to this nation as to kings from whom they never received any benefit, and whom they ought in reality always to have considered as enemies, yet even from such levy-money was not always required; or if required, was not always received.

There was once a time, my lords, before any of this race wore the crown of Britain; when the great French monarch, Lewis the fourteenth, being under a necessity of hiring auxiliary troops, applied to the duke of Hanover, as a prince whose necessities would naturally incline him to set the lives of his subjects at a cheap rate. The duke, pleased with an opportunity of trafficking with so wealthy a monarch, readily promised a supply of troops; and demanded levy-money to be paid him, that he might be enabled to raise them. But Hanoverian reputation was not then raised so high, as that the French king should trust him with his money. Lewis suspected, and made no scruple of declaring his suspicion, that the demand of levy-money was only a pretence to obtain a sum which would never afterwards be repaid, and for which no troops would be obtained; and therefore, with his usual prudence

insisted, that the troops should first march, and then be paid. Thus for some time the treaty was at a stand; but the king being equally in want of men, as the duke of money, and perceiving, perhaps, that it was really impracticable for so indigent a prince to raise troops without some pecuniary assistance, offered him at length a small sum, which was gladly accepted, though much below the original demand. The troops were engaged in the service of France; and the duke of Hanover thought himself happy in being able to amuse himself at his leisure with the rattle of money.

Such, my lords, were the conditions on which the troops of Hanover were furnished in former times; and surely what could then be produced by the love of money, or the awe of a superiour power, might now be expected as the effect of gratitude and kindness.

But not to dwell any longer, my lords, upon particular circumstances of measures, of which the whole scheme is contrary to the apparent interest of this empire, I shall not inquire farther, why auxiliaries are employed on this occasion rather than Britons, rather than those whose bravery is celebrated to the most distant corners of the earth; why, if mercenaries are necessary, those of Hanover are preferred to others: or why, if they are, indeed, preferable, they are now to be hired at a higher rate than at any former time? It appears to me of far more importance to undermine the foundation, than to batter the superstructure of our present system of politicks; and of greater use to inquire, why we have engaged in a war on the continent, than why we carry it on with ridiculous profusion.

It appears to me, my lords, that there are many reasons which, with the same circumstances, would have withheld any nation but this from such a dangerous interposition. The Dutch, we see, are content to look on without action, though they are more interested in the event, and less embarrassed on any other side. We are already engaged in a war, of which no man can foresee the conclusion; but which cannot be ended unsuccessfully, without the utmost danger to our most important interests; and which yet has

hitherto produced only losses and disgrace, has impoverished our merchants, and intimidated our soldiers. Whether these losses are the effects of weakness or treachery, is a question which I am not ambitious of endeavouring to decide, and of which the decision is, indeed, by no means necessary in the present debate; since if we are too weak to struggle with Spain, unassisted as she is, and embarrassed with different views, I need not say what will be our condition, when the whole house of Bourbon shall be combined against us; when that nation which stood alone for so many years against the united efforts of Europe, shall attack us, exhausted with taxes, enervated with corruption, and disunited from all allies. Whether the troops of Hanover will assist us at that time, I cannot determine. Perhaps, in the destruction of the British dominions, it may be thought expedient to secure a more valuable and important country by a timely neutrality; but if we have any auxiliaries from thence, we must then necessarily obtain them upon cheaper terms.

If our inactivity in the European seas, and our ill success in those of America be, as it is generally suspected, the consequence of perfidious counsels, and private machinations; if our fleets are sent out with orders to make no attempt against our enemies, or our admirals commanded to retreat before them; surely no higher degree of madness can be imagined, than that of provoking new enemies before we have experienced a change of counsels, and found reason to place in our ministers and statesmen that confidence which war absolutely requires.

This is the conduct, my lords, which I should think most rational, even though we were attacked in some of our real rights, and though the quarrel about which we were debating was our own; I should think the nearest danger the greatest, and should advise patience under foreign insults, till we had redressed our domestick grievances; till we had driven treachery from the court, and corruption from the senate. But much more proper do I think this conduct, when we are invited only to engage in distant war, in a dispute about the dominion of princes, in the bowels of

the continent; of princes, of whom it is not certain, that we shall receive either advantage or security from their greatness, or that we should suffer any loss or injury by their fall.

But, my lords, I know it will be answered, that the queen of Hungary has a right by treaty to our assistance; and that in becoming guarantees of the Pragmatick sanction, we engaged to support her in the dominions of her ancestors. This, my lords, is an answer of which I do not deny the justness, and of which I will not attempt to invalidate the strength. I allow that such a stipulation was made, and that treaties ought to be observed, at whatever hazard, with unviolated faith. It has been, indeed, objected, that many nations engaged with us in the same treaty, whom interest or cowardice have inclined to neglect it; and that we ought not to become the standing garrison of Europe, or to defend alone those territories, to the preservation of which so many states are obliged to contribute equally with ourselves. But this, my lords, appears to me an argument of which the ill consequences can never be fully discovered; an argument which dissolves all the obligations of contracts, destroys the foundation of moral justice, and lays society open to all the mischiefs of perfidy, by making the validity of oaths and contracts dependant upon chance, and regulating the duties of one man by the conduct of another. I pretend not, my lords, to long experience, and, therefore, in discussing intricate questions, may be easily mistaken. But as, in my opinion, my lords, morality is seldom difficult, but when it is clouded with an intention to deceive others or ourselves, I shall venture to declare with more confidence, that in proportion as one man neglects his duty, another is more strictly obliged to practise his own, that his example may not help forward the general corruption, and that those who are injured by the perfidy of others, may from his sincerity have a prospect of relief.

I believe all politicks that are not founded on morality will be found fallacious and destructive, if not immediately, to those who practise them; yet, consequentially, by their

general tendency to disturb society, and weaken those obligations which maintain the order of the world. I shall, therefore, allow, that what justice requires from a private man, becomes, in parallel circumstances, the duty of a nation; and shall, therefore, never advise the violation of a solemn treaty. The stipulations in which we engaged, when we became guarantees of the Pragmatick sanction, are, doubtless, to be observed; and it is, therefore, one of the strongest objections against the measures which we are now pursuing, that we shall be perfidious at a greater expense than fidelity would have required, and shall exhaust the treasure of the nation without assisting the queen of Hungary.

To explain this assertion, my lords, it is necessary to take a view of the constitution of the German body, which consists of a great number of separate governments independent on each other, but subject, in some degree, to the emperour as the general head. The subjects of each state are governed by their prince, and owe no allegiance to any other sovereign; but the prince performs homage to the emperour, and having thereby acknowledged himself his feudatory, or dependant, may be punished for rebellion against him. The title of the emperour, and consequently his claim to this allegiance, and the right of issuing the ban against those who shall refuse it, is confirmed by many solemn acknowledgments of the diet, and, amongst others, by the grant of a pecuniary aid; this the present emperour has indisputably received, an aid having been already granted him in the diet, of a subsidy for eighteen months; and, therefore, none of the troops of Germany can now be employed against him, without subjecting the prince to whom they belong to the censure of the ban, a kind of civil excommunication.

To what purpose, then, my lords, are we to hire, at a rate never paid, or perhaps demanded before, troops which cannot serve us without subjecting their prince to the charge of rebellion? Or how shall we assist the queen of Hungary, by collecting forces which dare not act against the only enemy which she has now to fear? Or in what

new difficulties shall we be engaged, should the inestimable dominions of Hanover be subjected to the imperial interdiction.

These, my lords, are questions to which, I hope, we shall hear a more satisfactory answer than I am able to conceive; for, indeed, I do not see what remains, but to confess, that these troops are hired only for a military show, to amuse this nation with a false appearance of zeal for the preservation of Europe, and to increase the treasures of Hanover at the expense of Britain.

These are designs, my lords, which no man will avow, and yet these are the only designs which I can yet discover; and, therefore, I shall oppose all the measures that tend to their execution. If the heat of indignation, or the asperity of resentment, or the wantonness of contempt, have betrayed me into any expressions unworthy of the dignity of this house, I hope they will be forgiven by your lordships; for any other degree of freedom I shall make no apology, having, as a peer, a right to deliver my opinion, and as a Briton, to assert the independence of my native country, when I see, or imagine myself to see, that it is ignominiously and illegally subjected to the promotion of the petty interest of the province of Hanover.

Lord CARTERET then rose, and made answer to the following effect:—My lords, as I doubt not but I shall be able to justify the measures which are now pursued, in such a manner as may entitle them to the approbation of your lordships, I proposed to hear all the objections that should be made, before I attempted a vindication, that the debate might be shortened, and that the arguments on both sides might be considered as placed in the full strength of opposition; and that it might be discerned how objections, however specious in themselves, would vanish before the light of reason and truth.

But the noble lord has made it necessary for me to alter my design, by a speech which I will not applaud, because it has, in my opinion, an ill tendency; nor censure, because it wanted neither the splendour of eloquence, nor the arts of reasoning; and had no other defect than that

which must always be produced by a bad cause, fallacy in the arguments, and errours in the assertions.

This speech I am obliged to answer, because his lordship has been pleased to call out for any lord who will assert, that the Dutch have agreed to concur with us in assisting the queen of Hungary. That all the provinces of that republick have agreed to assist us, is indeed not true; nor do I know, my lords, by whom or upon what authority it was asserted; but the concurrence of the province of Holland, the most important of all, and whose example the rest seldom delay to follow, has been obtained, which is sufficient to encourage us to vigorous resolutions, by which the rest may be animated to a speedy compliance.

The concurrence of this province has been already the consequence of the measures which have been lately pursued; measures from which, though just and successful, the ministry cannot claim much applause; because all choice was denied, and they were obliged either to remain passive spectators of the ruin of Europe, and, by consequence, of Britain, or to do what they have done. And surely, my lords, that necessity which deprives them of all claim to panegyrick, will be, likewise, a sufficient security from censure. There is, indeed, no reason to fear censure from judges so candid and experienced as your lordships, to whom it may without difficulty be proved, that the balance of Europe has already changed its position, and the house of Bourbon is now not able to preponderate against the other powers.

By entering into an alliance with Sardinia, we have taken from the crown of Spain all the weight of the territories of Italy, of which the Austrian forces are now in possession, without fear or danger of being interrupted; while the passes of the ocean are shut by the fleets of Britain, and those of the mountains by the troops of Sardinia.

Those unhappy forces which were transported by the Spanish fleet, are not only lost to their native country, but exposed without provision, without ammunition, without retreat, and without hope: nor can any human prospect discover how they can escape destruction, either by the fa-

tigue of marches, or the want of necessaries, or the superiour force of an army well supplied and elated with success.

This, my lords, is an embarrassment from which the Spaniards would gladly be freed at any expense, from which they would bribe us to relieve them, by permitting the demolition of new fortresses, or restoring the army which we lost at Carthagena.

Of this alliance the queen of Hungary already finds the advantage, as it preserves countries in her possession, which, if once lost, it might be impossible to recover; and sets her free from the necessity of dividing her army for the protection of distant territories.

Thus, my lords, the Spaniards are obstructed and distrusted; of their armies, one is condemned to waste away at the feet of impassable mountains, only to hear of the destruction of their countrymen whom they are endeavouring to relieve, and the establishment of peace in these regions of which they had projected the conquest; and the other, yet more unfortunate, has been successfully transported, only to see that fleet which permitted their passage preclude their supplies, and hinder their retreat.

Nor do we, my lords, after having thus efficaciously opposed one of the princes of the house of Bourbon, fear or shun the resentment of the other; we doubt not to show, that Britain is still able to retard the arms of the haughty French, and to drive them back from the invasion of other kingdoms to the defence of their own. The time is at hand, my lords, in which it will appear, that however the power of France has been exaggerated, with whatever servility her protection has been courted, and with whatever meanness her insolence has been borne, this nation has not yet lost its influence or its strength, that it is yet able to fill the continent with armies, to afford protection to its allies, and strike terrour into those who have hitherto trampled under foot the faith of treaties and rights of sovereigns, and ranged over the dominions of the neighbouring princes, with the security of lawful possessors, and the pride of conquerors.

It has been objected by the noble lord, that this change

is not to be expected from an army composed of auxiliary troops from any of the provinces of the German empire, because they cannot act against the general head. I can easily, my lords, solve this difficulty, from my long acquaintance with the constitution of the empire, which I understood before the noble lord, who has entertained you with a discourse upon it, was in being; but I will not engross your time, or retard your determination by a superfluous disquisition, which may be now safely omitted; since I am allowed by his majesty to assure your lordships, that the Hessian and Hanoverian troops shall be employed in assisting the queen of Hungary, and that they have already received orders to make the preparations necessary for marching into the empire.

After this declaration, my lords, the most formidable objection against the present measures will, I hope, be no more heard in this debate; for it will be by no means proper for any lord to renew it by inquiring, whether his majesty's resolution is not a breach of the imperial constitution, or whether it will not expose his electoral dominions to danger. For it is not our province to judge of the laws of other nations, to examine when they are violated, or to enforce the observation of them; nor is it necessary, since the interests of Britain and Hanover are irreconcilably opposite, to endeavour the preservation of dominions which their own sovereign is inclined to hazard.

Thus, my lords, I hope it appears, that the common interest of Britain and Europe is steadily pursued; that the Spaniards feel the effects of a war with Britain by their distress and embarrassment; that the queen of Hungary discovers, that the ancient allies of her family have not deserted her; and that France, amidst her boasts and her projects, perceives the determined opposers of her grandeur again setting her at defiance.

The duke of BEDFORD spoke to the following effect:—

My lords, the assurance which the noble lord who spoke last declares himself to have conceived of being able to demonstrate the propriety of the present measures, must surely arise from some intelligence which has been hitherto

suppressed, or some knowledge of future events peculiar to himself; for I cannot discover any force in the arguments which he has been pleased to use, that could produce in him such confidence of success, nor any circumstances in the present appearance of Europe, that do not seem to demand a different conduct.

The reasonableness of our measures at this time, as at all others, must be evinced by arguments drawn from an attentive review of the state of our own country, compared with that of the neighbouring nations; for no man will deny, that those methods of proceeding which are at one time useful, may at another be pernicious; and that either a gradual rotation of power, or a casual variation of interest, may very properly produce changes in the counsels of the most steady and vigorous administration.

It is therefore proper, in the examination of this question, to consider what is the state of our own nation, and what is to be hoped or feared from the condition of those kingdoms, which are most enabled by their situation to benefit or to hurt us: and in inquiry, my lords, an inquiry that can give little pleasure to an honest and benevolent mind, it immediately occurs, that we are a nation exhausted by a long war, and impoverished by the diminution of our commerce; and the result, therefore, of this first consideration is, that those measures are most eligible which are most frugal; and that to waste the publick treasure in unnecessary expenses, or to load the people with new taxes only to display a mockery of war on the continent, or to amuse ourselves, our allies, or our enemies, with the idle ostentation of unnecessary numbers, is to drain from the nation the last remains of its ancient vigour, instead of assisting its recovery from its present languors.

But money, however valuable, however necessary, has sometimes been imprudently and unseasonably spared; and an ill-timed parsimony has been known to hasten calamities, by which those have been deprived of all who would not endeavour to preserve it by the loss of part. It is therefore to be considered, whether measures less expensive would not have been more dangerous; and whether we

have not, by hiring foreign troops, though at a very high rate, at a rate which would have been demanded from no other nation, purchased an exemption from distresses, insults, and invasions.

The only nations, my lords, whom we have any reason to suspect of a design to invade us, or that have power to put any such design in execution, are well known to be the French and Spaniards; from these, indeed, it may justly be expected, that they will omit no opportunity of gratifying that hatred which difference of religion and contrariety of interest cannot fail to continue from age to age; and therefore we ought never to imagine ourselves safe, while it is in their power to endanger us. But of these two nations, my lords, the one is already disarmed by the navies of Britain, which confine her fleets to their harbours, and, as we have been just now informed, preclude her armies from supplies: the other is without a fleet able to transport an army, her troops are dispersed in different countries, and her treasures exhausted by expeditions or negotiations equally expensive.

There is, therefore, my lords, no danger of an invasion, even though we had no forces by which it could be opposed; but much less is it to be feared, when it is remembered, that the sea is covered with our ships of war, and that all the coasts of Europe are awed and alarmed by the navies of Britain.

This then, my lords, is surely the time, when we ought not to have sacrificed any immediate and apparent interest to the fear of attempts from Spain or France; when we might without danger have assisted our allies with our national troops, and have spared that money which we have so lavishly bestowed upon auxiliaries; when we might securely have shown the powers of the continent how much the British valour is yet to be feared, and how little our late losses or disgraces are to be imputed to the decline of our courage or our strength.

I suppose, my lords, no man will confess, that foreign troops have been hired as more to be trusted for their skill or bravery than our own. To dispute the palm of

courage with any nation would be a reproach to the British name; and if our soldiers are not at least equally disciplined with those of other countries, it must be owned, that taxes have been long paid to little purpose, that the glitter of reviews has been justly ridiculed as an empty show, and that we have long been flattered by our ministers and generals with false security.

But though I am far from believing, that the army has been supported only for the defence of our country; and though I know, that their officers are frequently engaged in employments more important in the opinion of their directors, than that of regulating the discipline of their regiments, and teaching the use of arms and the science of war; yet, as I believe the courage of Britons such as may often supply the want of skill, I cannot but conclude, that they are at least as formidable as the troops of other countries, especially when I remember, that they enter the field incited and supported by the reputation of their country.

Why then, my lords, is the nation condemned to support, at once, a double burden; to pay at home an army which can be of no use, and to hire auxiliaries, perhaps, equally unactive; to make war, if any war be intended, at an unnecessary expense, and to pay, at once, a fleet which only floats upon the ocean, an army which only awes the villages from which it is supported, and a body of mercenaries, of which no man can yet conjecture with what design they have been retained.

That they are intended for the support of the queen of Hungary has been, indeed, asserted; and this contract has been produced as an instance of the zeal of our ministers for the assertion of the Pragmatick sanction, the preservation of the liberties of Europe, and the suppression of the ambitious enterprises of the house of Bourbon; but surely, my lords, had the assistance of that illustrious princess been their sole or principal intention, had they in reality dedicated the sum which is to be received by the troops of Hânover, to the sacred cause of publick faith and universal liberty, they might have found methods of pro-

moting it much more efficaciously at no greater expense. Had they remitted that money to the queen, she would have been enabled to call nations to her standard, to fill the plains of Germany with the hardy inhabitants of the mountains and the deserts, and have deluged the empire of France with multitudes equally daring and rapacious, who would have descended upon a fruitful country like vultures on their prey, and have laid those provinces in ruin which now smile at the devastation of neighbouring countries, secure in the protection of their mighty monarch.

By this method of carrying on the war, we might have secured our ally from danger which I cannot but think imminent and formidable, though it seems, at present, not to be feared. By so large an addition to her troops, she would have been enabled to frustrate those designs, which her success may incline the king of Prussia to form against her; for with whatever tranquillity he may now seem to look upon this general commotion, his conduct gives us no reason to imagine, that he has changed his maxims, that he is now forgetful or negligent of his own interest, or that he will not snatch the first opportunity of aggrandizing himself by new pretensions to the queen of Hungary's dominions.

At least, my lords, it may without scruple be asserted, that the hopes which some either form or affect of engaging him in a confederacy for the support of the Pragmatick sanction, are merely chimerical. He who has hitherto considered no interest but his own, he who has perhaps endangered himself by attempting to weaken the only power to which he, as well as the other princes of the empire, can have recourse for protection from the ambition of France, and has, therefore, broken the rules of policy only to gratify a favourite passion, will scarcely concur in the exaltation of that family which he has so lately endeavoured to depress, and which he has so much exasperated against him. If he is at length, my lords, alarmed at the ambition of the house of Bourbon, and has learned not to facilitate those designs which are in reality formed against himself, it cannot be doubted, that he looks with equal

fear on the house of Austria, that he knows his safety to consist only in the weakness of both, and that in any contest between them, the utmost that can be hoped from him is neutrality.

But, my lords, he whose security depends only on a supposition that men will not deviate from right reason or true policy, is in a state which can afford him very little tranquillity or confidence: whatever is necessarily to be preserved, ought to be defended, not only from certain and constant danger, but from casual and possible injuries; and amongst the rest, from those which may proceed from the mutability of will, or the depravation of understanding; nor shall we sufficiently establish the house of Austria, if we leave it liable to be shaken whenever the king of Prussia shall feel his ambition rekindled, or his malevolence excited; wemust not leave it dependant on the friendship or policy of the neighbouring powers, but must enable it once more to awe the empire, and set at defiance the malice of its enemies.

This, my lords, might have been done by a liberal subsidy, by which armies might have been levied, garrisons established, and cities fortified; and why any other method was pursued, what reason can be assigned? what, but an inclination to aggrandize and enrich a contemptible province, and to deck with the plunder of Britain the electorate of Hanover?

It has been suspected, my lords, (nor has the suspicion been without foundation,) that our measures have long been regulated by the interest of his majesty's electoral territories; these have been long considered as a gulf into which the treasures of this nation have been thrown; and it has been observed, that the state of the country has, since the accession of its princes to this throne, been changed without any visible cause; affluence has begun to wanton in their towns, and gold to glitter in their cottages, without the discovery of mines, or the increase of their trade; and new dominions have been purchased, of which it can scarcely be imagined, that the value was paid out of the revenues of Hanover.

This, my lords, is unpopular, illegal, and unjust; yet

this might be borne, in consideration of great advantages, of the protection of our trade, and the support of our honour. But there are men who dare to whisper, and who, perhaps, if their suspicions receive new confirmation, will publickly declare, that for the preservation of Hanover, our commerce has been neglected, and our honour impaired; that to secure Hanover from invasion, the house of Bourbon has been courted, and the family of Austria embarrassed and depressed. These men assert, without hesitation, that when we entered into a league with France against the emperour and the Spaniards, in the reign of the late emperour, no part of the British dominions were in danger; and that the alarm which was raised to reconcile the nation to measures so contrary to those which former ages had pursued, was a fictitious detestable artifice of wicked policy, by which Britain was engaged in the defence of dominions to which we owe no regard, as we can receive no real advantage from them.

It were to be wished, that no late instance could be produced of conduct regulated by the same principles; and that this shameful, this pernicious partiality had been universally allowed to have ceased with the late reign; but it has never yet been shown, that the late neutrality, by which Hanover was preserved, did not restrain the arms of Britain; nor when it has been asked, why the Spanish army was, when within reach of the cannon of the British navy, peaceably transported to Italy, has any other reason been assigned, than that the transports could not be destroyed without a breach of the neutrality of Hanover?

This, my lords, is a subject on which I could have only been induced to dwell, by my zeal for the present establishment, and my personal affection for his majesty. It is universally allowed, that not only the honour and prosperity, but the safety of a British monarch, depends upon the affections of his subjects; and that neither splendid levees, nor large revenues, nor standing armies, can secure his happiness or his power any longer than the people are convinced of his tenderness and regard, of his attention to

their complaints, and his zeal for their interest. If, therefore, it should ever be generally believed, that our king considers this nation only as appendent to his electoral dominions, that he promotes the interest of his former subjects at the expense of those by whom he has been exalted to this awful throne, and that our commerce, our treasures, and our lives, are sacrificed to the safety, or to the enlargement of distant territories, what can be expected? what but murmurs, disaffection, and distrust, and their natural consequences, insurrection and rebellion; rebellion, of which no man can foresee the event, and by which that man may perhaps be placed upon the throne, whom we have so wisely excluded and so solemnly abjured.

Of this unreasonable regard to the interest of Hanover, the contract which we are now considering exhibits, if not a proof too apparent to be denied, yet such an appearance as we ought for our own sakes and that of his majesty to obviate; and therefore I think the address which is now proposed in the highest degree reasonable; and am convinced, that by complying with our request, his majesty will regain the affections of many of his subjects, whom a long train of pernicious measures have filled with discontent; and preserve the loyalty of many others, who, by artful representations of the motives and consequences of this contract, may be alienated and perverted.

Lord BATHURST replied to the following purport:—My lords, as I have no reason to doubt of the noble duke's affection to the present royal family, I am convinced, that the ardour of his expressions is the effect of his zeal, and that the force of his representations proceeds only from the strength of his conviction; and, therefore, I am far from intending to censure any accidental negligence of language, or any seeming asperity of sentiment. I know, that the openness and dignity of mind which has incited him to declare his opinion with so much freedom, will induce him likewise to retract it, when he shall be convinced, that he has been deceived by false representations, or that he has formed his conclusions too hastily, without an attentive examination of the question in its whole extent.

I shall, therefore, endeavour to explain the motives upon which all these measures have been formed which we have heard so warmly censured; and show, that they were the consequences not of haste and negligence, but of vigilance and circumspection; that they were formed upon a deliberate survey of the complicated interests of the European powers, and dictated not by a partiality to Hanover, but a faithful attention to the interest of Britain.

It has been already observed by a noble lord, that there was no choice allowed us; that the state of Europe required that we should not sit unactive; and that yet there was no other method of acting, by which we could benefit our allies, or injure our enemies; and that, therefore, though our interposition had not produced all the effects which our zeal might incline us to wish, yet our conduct ought not to be condemned; because, though we did not press forward through the nearest path to the great object of our pursuit, we exerted our utmost speed in the only way that was left open. This, my lords, is, in my opinion, a very just apology; nor do I see, that this vindication can be confuted or invalidated, otherwise than by showing, that some different measures, measures equally reasonable, were equally in our power.

But because the plea of necessity may, perhaps, be evaded; and because it is, at least, pleasing to discover, that what was necessary was likewise convenient, I shall endeavour to show, that our measures have produced already such effects as have sufficiently rewarded our expenses; and that we may yet reasonably hope, that greater advantages will arise from them.

There are, indeed, some whom it will not be easy to satisfy, some who declare not against the manner in which the war is prosecuted, but against the war itself; who think the power of France too formidable to be opposed, and the British people too much exhausted or enervated to hold any longer the balance of the continent.

I have, indeed, my lords, always declared myself of a different opinion, and have frequently endeavoured to rouse others from a kind of indolent despair and tame ac-

quiescence in the attempts of the French, by representations of the wealth and force, the influence and alliances of our own nation. I have often asserted, that I did not doubt but her conquests might be stopped by vigorous opposition, and that the current of her power, which had by artificial machines of policy been raised higher than its source, would subside and stagnate, when its course was no longer assisted by cowardice, and its way levelled by submission.

These, my lords, were my sentiments, and this was my language, at a time when all the powers of Europe conspired to flatter the pride of France by falling at her feet, when her nod was solicitously watched by all the princes of the empire, when there was no safety but by her protection, nor any enterprise but by her permission; when her wealth influenced the councils of nations, when war was declared at her command in the remotest corners of Europe, and every contest was submitted to her arbitration.

Even at this time, my lords, was I sufficiently confident of the power of my own country, to set at defiance, in my own mind, this gigantick state. I considered all additions to its greatness rather as the tumour of disease than the shootings of vigour, and thought that its nerves grew weaker as its corpulence increased. Of my own nation I saw, that neither its numbers nor its courage were diminished; I had no reason to believe our soldiers or our sailors less brave than their fathers; and, therefore, imagined that whenever they should be led out against the same enemies, they would fight with the same superiority and the same success.

But for these hopes, my lords, I was sometimes pitied by those who thought themselves better acquainted with the state of Europe than myself, and sometimes ridiculed by those who had been long accustomed to depress their own country, and to represent Britain as only the shadow of what it once was; to deride our armies and our fleets, and describe us impoverished and corrupted, sunk into cowardice, and delighted with slavery.

That my opinion is now likely to be justified, and that

those who have hitherto so confidently opposed me, will soon be obliged to acknowledge their mistake, is of very small importance; nor is my self-love so predominant as to incline me to reckon the confirmation of my predictions, or the vindication of my sagacity among the benefits which we are now about to receive. We are now soon to be convinced that France is not irresistible, nor irresistible to Britain. We are now to see the embroilers of the universe entangled in their own schemes, and the depopulators of kingdoms destroyed in those fields which they have so wantonly laid waste. We shall see justice triumphant over oppression, and insolence trampled by those whom she has despised. We shall see the powers of Europe once more equally balanced, and the balance placed again in the hands of Britain.

If it be required upon what events these expectations are founded; and if it be alleged, that we have no such resolutions to hope from the measures that have been hitherto pursued; it has been affirmed by a noble lord, that our armies in Flanders are useless, and that our motions have given neither courage nor strength to any other powers; that the queen of Hungary is yet equally distressed, and that the French still pursue their schemes without any interruption from us or our allies, I shall hope by an impartial account of the present state of the continent to show, that his assertions are groundless, and his opinion erroneous.

The inactivity of our army in Flanders has, indeed, furnished a popular topick of declamation and ridicule. It is well known how little the bulk of mankind are acquainted, either with arts of policy, or of war; how imperfectly they must always understand the conduct of ministers or generals, and with what partiality they always determine in favour of their own nation. Ignorance, my lords, conjoined with partiality, must always produce expectations which no address nor courage can gratify; and it is scarcely, therefore, to be hoped, that the people will be satisfied with any account of the conduct of our generals, which does not inform them of sieges and battles, slaughter and

devastation. They expect that a British army should overrun the continent in a summer, that towns should surrender at their summons, and legions retire at their shout; that they should drive nations before them, and conquer empires by marching over them.

Such, my lords, are the effects which the people of Britain expect; and as they have hitherto been disappointed, their disappointment inclines them to complain. They think an army useless which gains no victories, and ask to what purpose the sword is drawn, if the blood of their enemies is not to be shed? But these are not the sentiments of your lordships, whose acquaintance with publick affairs informs you, that victories are often gained where no standards are taken, nor newspapers filled with lists of the slain; and that by drawing the sword opportunely, the necessity of striking is often prevented. You know, that the army which hovers over a country, and draws the forces which defend it to one part, may destroy it without invading it, by exposing it to the invasion of another; and that he who withholds an army from action, is not less useful to his ally than he that defeats it.

This, my lords, is the present use of our troops in Flanders; the French are kept in continual terrour, and are obliged to detach to that frontier those troops which, had they not been thus diverted, would have been employed in the empire; and, surely, an army is not unactive which withholds a double number from prosecuting their design.

That our motions have not encouraged other powers to fulfil their engagements, or to unite in the defence of the general liberty of Europe, cannot truly be asserted. The Dutch apparently waken from their slumber; whether it was real or affected, they at least discover less fear of the French, and have already given such proofs of their inclination to join with us, as may encourage us to expect, that they will, in a short time, form with us another confederacy, and employ their utmost efforts in the common cause.

What they have already offered will at least enable us to assist the queen of Hungary with greater numbers, and

her to employ her troops where she is most pressed; for they have engaged to garrison the towns of Flanders, which, since they cannot be evacuated, is in effect an offer of auxiliary troops; since, if those forces had been added to the Austrian army, an equal number of Austrians must have been subducted to garrison the frontier.

It is, therefore, without reason, that narrow-minded censurers charge us with becoming the slaves of the Dutch, with fighting their battles and defending their barrier, while they pursue their commerce in tranquillity, enjoy peace at the expense of British blood, and grow rich by the profusion of British treasure. It appears, that they concur in the preservation of themselves and of Europe, though with delays and caution; since, though they do not send forces into the field, they supply the place of those which are sent, and enable others to destroy those whom they are not yet persuaded to attack themselves.

The constitution of that republick is, indeed, such as makes its alliance not valuable, on sudden emergencies, in proportion to its wealth and power. The determinations of large assemblies are always slow; because there are many opinions to be examined, many proposals to be balanced, and many objections to be answered. But with much more difficulty must any important resolution be formed, where it must be the joint act of the whole assembly, where every individual has a negative voice, and unanimity alone can make a decision obligatory. Wherever this is the form of government, the state lies at the mercy of every man who has a vote in its councils; and the corruption or folly or obstinacy of one may retard or defeat the most important designs, lay his country open to the inroads of an enemy, dissolve the most solemn alliances, and involve a nation in misery.

This, my lords, I need not observe to be the Dutch constitution, nor need I tell this assembly, that we are not always to judge of the general inclination of that people by the procedure of their deputies, since particular men may be influenced by private views, or corrupted by secret promises or bribes; and those designs may be retarded by

their artifices which the honest and impartial universally approve. This is, perhaps, the true reason of the present delays which have furnished occasion to such loud complaints, complaints of which we may hope quickly to have an end; since it can hardly be doubted, but the general voice of the people will there, as in other places, at last prevail, and the prejudices or passions of private men give way to the interest of the publick.

That the queen of Hungary is now equally distressed, and that she has received no advantage from the assistance, which we have, at so great an expense, appeared to give her, is, likewise, very far from being true. Let any man compare her present condition with that in which she was before Britain engaged in her cause, and it will easily be perceived how much she owes to the alliance of this nation. She was then flying before her enemies, and reduced to seek for shelter in the remotest part of her dominions, while her capital was fortified in expectation of a siege. Those who then were distributing her provinces, and who almost hovered over her only remaining kingdom, are now retiring before her troops. The army by which it was intended that her territories in Italy should be taken from her, is now starving in the countries which it presumed to invade; and the troops which were sent to its assistance are languishing at the feet of mountains which they will never pass.

These are the effects, my lords, of those measures, which, for want of being completely understood, or attentively considered, have been so vehemently censured. These measures, my lords, however injudicious, however unseasonable, have embarrassed the designs of France, and given relief to the queen of Hungary; they have animated the Dutch to action, and kindled in all the powers of Europe, who were intimidated by the French armies, new hopes and new resolutions; they have, indeed, made a general change in the state of Europe, and given a new inclination to the balance of power. Not many months have elapsed, since every man appeared to consider the sovereign of France as the universal monarch, whose will

was not to be opposed, and whose force was not to be resisted. We now see his menaces despised and his propositions rejected; every one now appears to hope rather than to fear, though lately a general panick was spread over this part of the globe, and fear had so engrossed mankind, that scarcely any man presumed to hope.

But it is objected, my lords, that though our measures should be allowed not to have been wholly ineffectual, and our money appear not to have been squandered only to pay the troops of Hanover, yet our conduct is very far from meriting either applause or approbation; since much greater advantages might have been purchased at much less expense, and by methods much less invidious and dangerous.

The queen of Hungary might, in the opinion of these censurers, have raised an hundred thousand men with the money which we must expend in hiring only sixteen thousand, and might have destroyed those enemies whom we have hitherto not dared to attack.

Those who make this supposition the foundation of their censures, appear not to remember, that the queen of Hungary's dominions, like those of other princes, may, by war, be in time exhausted; that the loss of inhabitants is not repaired in any country but by slow degrees; and that there is no place yet discovered where money will procure soldiers without end, or where new harvests of men rise up annually, ready to fight those quarrels in which their predecessors were swept away. If the money had, instead of being employed in hiring auxiliaries, been remitted to the queen, it is not probable that she could, at any rate, have brought a new army together. But it is certain, that her new troops must have been without arms and without discipline. It might have been found, perhaps, in this general disturbance of the world, not easy to have supplied them with weapons; and it is well known how long time is required to teach raw forces the art of war, and enable them to stand before a veteran enemy.

It was, therefore, necessary to assist her rather with troops than money; and since troops were necessarily to

be hired, why should we employ the forces of Hanover less willingly than those of any other nation? To assert that they have more or less courage than others is chimerical, nor can any man suppose them either more brave or timorous than those of the neighbouring countries, without discovering the meanest prejudices, and the narrowest conceptions; without showing that he is wholly unacquainted with human nature, and that he is influenced by the tales of nurses, and the boasts of children.

There was, therefore, no objection against the troops of Hanover, that was not of equal strength against all foreign troops; and there was at least one argument in their favour, that they were subjects of the same prince; and that, therefore, we could have no reason to fear their defection, or to suspect their fidelity.

The electorate of Hanover, with whatever contempt or indignation some persons may affect to mention it, is to be considered, at least, as a state in alliance with Britain, and to receive from us that support which the terms of that alliance may demand.

Any other regard, my lords, indeed, it is not necessary to contend for; since it cannot be proved, that in this transaction we have acted otherwise than as with allies, or hired the troops on conditions which those of any other nation would not have obtained, or on any which they will not deserve; since your lordships have received assurances, that they are ready to enter the field, and to march into Germany against the common enemy. That we might have raised new troops in our own nation, and have augmented our army with an equal number of men, cannot be denied; nor do I doubt, my lords, but our countrymen would be equally formidable with any other forces; but it must be remembered, that an army is not to be levied in an instant, and that our natives, however warlike, are not born with the knowledge of the use of arms; and who knows, whether Europe might not have been enslaved before a British army could have been raised and disciplined for its deliverance?

Whether this account of our measures will satisfy those

who have hitherto condemned them, I am not able to foretel. There are, indeed, some reasons for suspecting, that they blame not, because they disapprove, but because they think it necessary either to the character of discernment, or of probity, to censure the ministry, whatever maxims are pursued. Of this disposition it is no slight proof, that contrary measures have been sometimes condemned by the same men with the same vehemence; and that even compliance with their demands has not stilled their outcries. When the ministry appeared unwilling to engage in the war of Germany, without the concurrence of the other powers who had engaged to support the Pragmatick sanction, they were hourly reproached with being the slaves of France, with betraying the general cause of Europe, and with repressing that generous ardour, by which our ancestors have been incited to stand forth as the asserters of universal liberty, and to fight the quarrel of mankind. They were marked out as either cowards or traitors, and doomed to infamy as the accomplices of tyranny, engaged in a conspiracy against their allies, their country, and their posterity.

At length the Britons have roused again, and again declared themselves the supporters of right, whenever injured; they have again raised their standards in the continent, and prepared to march again through those regions where their victories are yet celebrated, and their bravery yet reverenced. The hills of Germany will again sound with the shouts of that people who once marched to her deliverance through all the obstructions that art or power could form against them, and which broke through the pass of Schellembourg, to rout the armies that were ranged behind it.

Now it might be expected, my lords, that, at least, those who were before dissatisfied, should declare their approbation; for surely where peace or neutrality is improper, there is nothing left but war. Yet experience shows us, that men resolved to blame will never want pretences for venting their malignity; and where nothing but malignity is the consequence of opposite measures, we must neces-

sarily conclude, that there is a fixed resolution to blame, and that all vindications will be ineffectual.

Some have, indeed, found out a middle course between censure and approbation, and declare, that they think these measures now justifiable, because we have proceeded too far to retreat with honour; and that though at first a better scheme might have been formed, yet this, which has hitherto been pursued, ought not now to be changed.

I, my lords, though it is not of very great importance to confute an opinion by which the measures of the government will not be obstructed, cannot forbear to declare myself of different sentiments, and to assert, in opposition to artful calumnies and violent invectives, that the present measures were originally right, that they were such as prudence would dictate, and experience approve, and such as we ought again to take, if we have again the power of choice.

I am, indeed, far from doubting, but these measures will, in a short time, be justified by success; a criterion by which, however unjustly, the greatest part of mankind will always judge of the conduct of their governours; for it is apparent, my lords, that howsoever the French power, commerce, and wealth, have been exaggerated by those that either love or fear them, they will not long be able to stand against us; their funds will in a short time fail them, and their armies must be disbanded, when they can no longer be paid, lest, instead of protecting their country, they should be inclined to plunder it.

The abundance of our wealth, my lords, and the profit of our commerce, are sufficiently apparent from the price of our stocks, which were never before supported at the same height for so long a time; and of the fall of which neither an actual war with Spain, nor the danger which has been suggested of another with France, with France in the full possession of all its boasted advantages, has yet been able to produce any token. Another proof of the exuberance of our riches, and the prosperity of our commerce, by which they are acquired, is the facility with which the government can raise in an instant the greatest sums, and

the low interest at which they are obtained. If we compare our state in this respect with that of France, the insuperable difficulties under which they must contend with us, will sufficiently discover themselves. It is well known, my lords, that we have lately raised the money which the service of each year required, at the interest of three for a hundred; nor is it likely that there will be any necessity of larger interest, though our annual demands were to be equal to those of the last war. But the French are well known to raise the sums which their exigencies require on very different terms, and to have paid ten for a hundred for all the money which their late projects have required; projects which they cannot pursue long at such enormous expense, and by which their country must in a short time be ruined, even without opposition.

While we can, therefore, raise three millions for less than the French can obtain one, and, by consequence, support three regiments at the same expense as one is supported in their service, we have surely no reason to dread the superiority of their numbers, or to fear that they will conquer by exhausting us.

Thus, my lords, I have delivered my opinion with freedom and impartiality; and shall patiently hearken to any objections that shall arise against it, supported by the consciousness, that a confutation will only show me that I have been mistaken; but will not deprive me of the satisfaction of reflecting, that I have not been wanting to my country; and that if I have approved or defended improper measures, I at least consulted no other interest than that of Britain.

Lord HERVEY spoke next, to the following effect:—My lords, it is not without that concern which every man ought to feel at the apparent approach of publick calamities, that I have heard the measures which are now the subject of our inquiry so weakly defended, when their vindication is endeavoured with so much ardour, and laboured with so much address.

The objections which press upon the mind, at the first and slightest view of our proceedings, are such as require the closest attention, such as cannot but alarm every man

who has studied the interest of his country, and who sincerely endeavours to promote it; and therefore it might be hoped, that those who appear to have thought them insufficient, are able to produce, in opposition to them, the strongest arguments, and the clearest deductions.

When we attempt the consideration of our present condition, and inquire by what means our prosperity may be secured, the first reflection that occurs, is, that we are traders, that all our power is the consequence of our wealth, and our wealth the product of our trade. It is well known, that trade can only be pursued under the security of peace; that a nation which has a larger commerce, must make war on disadvantageous terms against one that has less; as of two contiguous countries, the more fruitful has most to fear from an invasion by its neighbour.

It is visible, likewise, to any man who considers the situation of Britain, that there is no nation by which our trade can in time of war be so much obstructed as by France, of which the coasts are opposite to ours, and which can send out small vessels, and seize our merchants in the mouths of our harbours, or in the Channel of which we boast the sovereignty: and all those who have heard or read of the last war, in which we gained so much honour, and so little advantage, know that the privateers of France injured us more than its navies or its armies; and that a thousand victories on the continent, where we were only contending for the rights of others, were a very small recompense for the obstruction of our commerce; nor can he feel much tenderness for mankind, who would purchase by the ruin and distress of a thousand families, industrious and innocent, the momentary festivity of a triumph, or the idle glare of an illumination.

Yet, my lords, this nation, however zealous for its commerce, is about to engage in a war, in a war with the only state by which our commerce can be impaired; it is about to support new armies on the continent without allies, and without treasure.

That we are without treasure, and that our trade, by which only our funds can be supplied, has lately been very

much diminished, is too easy to prove in opposition to the specious display which the noble lord, who spoke last, has been pleased to make of the exuberance of our wealth.

If the abundance of our riches be such as it has been represented, why are no measures formed for the payment of the publick debts? of which no man will say, that they are not in themselves a calamity, and the source of many calamities yet greater; of which it cannot be denied, that they multiply dependence by which our constitution may sometimes be endangered. Why are those debts not only unpaid, but increased by annual additions to such a height, that the payment of them must soon become desperate, and the publick sink under the burden?

That our trade, my lords, and by consequence our wealth, is of late diminished, may be proved beyond controversy, even to those whose interest it is not to believe it, and upon whom, therefore, it cannot be expected, that arguments will have a great effect. The produce of the customs was the last year less by half a million than the mean revenue; and as our customs must always bear a certain proportion to trade, we may form an indisputable estimate from them of its increase or its decline.

The rise of our stocks, my lords, is such a proof of riches, as dropsical tumours are of health; it shows not the circulation, but the stagnation of our money; and though it may flatter us with a false appearance of plenty for a time, will soon prove, that it is both the effect and cause of poverty, and will end in weakness and destruction.

When commerce flourishes, when its profit is certain and secure, men will employ their money in the exchange of commodities, by which greater advantage may be gained, than by putting it into the hands of brokers; but when every ship is in danger of being intercepted by privateers, and the insurer divides the profit of every voyage with the merchant, it is natural to choose a safer, though a less profitable traffick; and rather to treasure money in the funds, than expose it on the ocean.

But, my lords, the ministers themselves have sufficiently declared their opinion of the state of the national wealth, by

the method which they have taken to raise those supplies of which they boast with how great facility they are raised.

When they found that new expenses required new taxes, it was necessary to examine what could be taxed, or upon which part of the nation any other burdens could be laid without immediate ruin. They turned over the catalogue of all our manufactures, and found, that scarcely any of the conveniencies, or even the necessaries of life, were without an impost. They examined all the classes of our traders, and readily discovered, that the greatest number of those who endeavoured to support themselves by honest industry, were struggling with poverty, and scarcely able to provide to-day what would be necessary to-morrow. They saw our prisons crowded with debtors, and our papers filled with the names of bankrupts, of whom many may be supposed to have miscarried without idleness, extravagance, or folly.

They saw, therefore, my lords, that industry must sink under any addition to its load, a consideration which could afford no proof of the abundance of our wealth. They saw that our commodities would be no longer manufactured, if their taxes were increased; and, therefore, it was necessary to raise money by some other method, since all those which have been hitherto practised were precluded.

This, my lords, was no easy task; but however difficult, it has been accomplished; and to those great politicians must posterity be indebted for a new scheme of supplying the expenses of a war.

In the time of the late ministry it had been observed, that drunkenness was become a vice almost universal among the common people; and that as the liquor which they generally drank was such that they could destroy their reason by a small quantity, and at a small expense, the consequence of general drunkenness was general idleness; since no man would work any longer than was necessary to lay him asleep for the remaining part of the day. They remarked, likewise, that the liquor which they generally drank was to the last degree pernicious to health, and destructive of that corporeal vigour by which the business of

life is to be carried on; and a law was therefore made, by which it was intended that this species of debauchery, so peculiarly fatal, should be prevented.

Against the end of this law no man has hitherto made the least objection; no one has dared to signalize himself as an open advocate for vice, or attempted to prove that drunkenness was not injurious to society, and contrary to the true ends of human being. The encouragement of wickedness of this shameful kind, wickedness equally contemptible and hateful, was reserved for the present ministry, who are now about to supply those funds which they have exhausted by idle projects and romantick expeditions, at the expense of health and virtue; who have discovered a method of recruiting armies by the destruction of their fellow-subjects; and while they boast themselves the assertors of liberty, are endeavouring to enslave us by the introduction of those vices, which in all countries, and in every age, have made way for despotick power.

Even this expedient, my lords, must in a short time fail them; the products of vice as well as of commerce must in time be exhausted; and what will then remain? The honest and industrious must feel the weight of some new imposition, which the sagacity of experienced oppression may find means to lay upon them; they will then first find the benefit of this new law, since they may, by the use of those liquors which are indulged them, put a speedy end to that life which they made unable to support.

The means by which the expenses of our present designs are to be supported, such means, my lords, as were never yet practised by any state, however exhausted, or however endangered, means which a wise nation would scarcely use to repel an invader from the capital, or to raise works to keep off a general inundation, raise yet stronger motions of indignation, when it is considered for what designs these expenses are required.

We are now, my lords, raising armies, and hiring auxiliaries, for an expedition of which no necessity can be discovered, and from which neither honour nor advantage can be expected; we are about to force from the people the

last remains of their property, and to harass with exactions those who are already languishing with poverty; not for the preservation of our liberty, or the defence of our country, but for the support of the Pragmatick sanction, for the execution of a very unjust scheme formed by the late king, to which he purchased at different times, on different emergencies, the concurrence of other powers; but to which he failed to put the last seal of confirmation, perhaps in hopes of a male heir, and left the design, which he had so long and so industriously laboured, to be at last completed by the kindness of his allies; having, by an unsuccessful war against the Turks, exhausted his treasure, and weakened his troops.

Whether we shall now engage in this design; whether we shall, for the defence of the Pragmatick sanction, begin another war on the continent, of which the duration cannot be determined, the expense estimated, or the event foreseen; whether we shall contend at once with all the princes of the house of Bourbon, and entangle ourselves in a labyrinth of different schemes; whether we shall provoke France to interrupt our commerce, and invade our colonies, and stand without the assistance of a single ally, against those powers that lately set almost all Europe at defiance, is now to be determined by your lordships.

It can scarcely be expected, that the French will treat us only as auxiliaries, and satisfy themselves with attacking us only where they find themselves opposed by us: they will undoubtedly, my lords, consider us as principals, since they can suffer little more by declaring war against us.

These, my lords, are the dangers to be feared from the measures which we are now persuaded to pursue; but persuaded by arguments which, in my opinion, ought to have very little influence upon us, and which have not yet been able, however artfully or zealously enforced, to prevail upon the Dutch to unite with us.

It has, indeed, been asserted, that the Dutch appear inclined to assist us: but of that inclination stronger proofs ought surely to be produced, before we take auxiliaries into pay, and transport troops into another country, which

has been so often represented to have been raised for the defence of their own, or collect money from the publick by the propagation of wickedness.

Of this favourable inclination in the Dutch I am the more doubtful, because it is contrary to the expectations of all mankind, and to the maxims by which they have generally regulated their conduct. There have been many late instances of their patient submission to the invasion of privileges to which they have thought themselves entitled, and of their preference of peace, though sometimes purchased with the loss of honour; or, what may be supposed to touch a Dutchman much more nearly, of profit, to the devastation and expense and hazards of war; and it can hardly be supposed by any who know their character, that they will be more zealous for the rights of others than for their own; or that they will, for the support of the queen of Hungary, sacrifice that security and tranquillity which they have preferred at the expense of their commerce at one time, and by passive submission to insults at another.

That a nation like this, my lords, will in the quarrel of another engage in any but moderate measures, is not to be expected: it is not improbable, that they may endeavour by embassies and negotiations to adjust the present disputes, or offer their mediation to the contending powers; but I am very far from imagining, that they will find in themselves any disposition to raise armies, or equip fleets, that they will endanger the barrier which has been so dearly purchased, or expose themselves to the hazards and terrours of a French war; and am, therefore, inclined to believe, that if any tendency towards such measures now appears, it is only the effect of the present heat of some vehement declaimers, or the secret machination of some artful projectors among them, who have formed chimerical plans of a new system of Europe, and have, in their imaginations, regulated the distribution of dominion and power, or who, perhaps, have diminished their patrimonies by negligence and extravagance, and hope to repair them in times of confusion, and to glean part of that harvest of treasure which the publick must be obliged to yield in time of war.

I am still inclined to believe, that the true interest of the republick will be consulted, that policy will prevail over intrigue, and that only moderate measures will be pursued by the general council of the states.

Moderate measures, my lords, if not always the most honourable in the opinion of minds vitiated by false notions of grandeur, are, at least, always the most safe; and are, therefore, eligible at least, till the scene of affairs begins to open, and the success of a more vigorous conduct may with some degree of certainty be foreknown; and it must at least be thought imprudent for those to hazard much who can gain nothing, and therefore it will not be easy to assign any reason that may justify our conduct on the present occasion.

It is not improbable, my lords, that those who have now obtained the direction of our affairs, may be influenced by the general disapprobation which the British people showed of the pacifick conduct of the late ministry, and may have resolved to endeavour after applause, by showing more spirit and activity. But, my lords, of two opposite schemes it is not impossible that both may be wrong, and that the middle way only may be safe; nor is it uncommon for those who are precipitately flying from one extreme, to rush blindly upon another.

But our ministry, my lords, have found out a method of complicating errours which none of their predecessors, however stigmatized for ignorance and absurdity, have hitherto been able to attain; they have been able to reconcile the extremes of folly, and to endanger the publick interest at the same time, by inactivity and romantick temerity.

No accusation against the late ministry was more general, more atrocious, or more adapted to incense the people, than that of neglecting the war against Spain: this was the subject of all the invectives which were vented against them in the senate, or dispersed among the people; for this they were charged with a secret confederacy against their country, with disregard of its commerce and its arms, and with a design to ruin the nation for no other end than to punish the merchants.

To this accusation, my lords, diligently propagated, wil-

lingly received, and, to confess the truth, confirmed by some appearances, do those owe their power, who now preside over the affairs of the nation; and it might, therefore, have been hoped, that by their promotion, one of our grievances would have been taken away, and that at least the war against Spain would have been vigorously prosecuted.

But this ministry, my lords, have only furnished a new instance of the credulity of mankind, of the delusion of outward appearances, and of the folly of hoping with too great ardour for any event, and of trusting any man with too great confidence. No sooner were they possessed of the power to which their ambition had so long aspired, and of the salaries which had with so much eagerness been coveted by their avarice, than they forgot the complaints of the merchants, the value of commerce, the honour of the British flag, the danger of our American territories, and the great importance of the war with Spain, and contented themselves with ordering convoys for our merchants, instead of destroying the enemy by whom they are molested.

The fleets which are floating from one coast to another in the Mediterranean, and which sometimes strike terrour into the harmless inhabitants of an open coast, or threaten, but only threaten, destruction to an unfortified town, I am very far from considering as armaments fitted out against the Spaniards, who neither feel nor fear any great injury from them: their trade may be, indeed, somewhat impeded; but that inconvenience is amply compensated by their depredations upon our merchants: their navies may be confined to their own ports, or to those of France; but these navies are not very necessary to them, since they are not sufficiently powerful to oppose us on the ocean; and therefore they who are thus confined, suffer less than those who confine them. We have, indeed, the empty pleasure of seeing ourselves lords of the sea, and of shaking the coasts with volleys of our cannon; but we purchase the triumph at a very high price, and shall find ourselves in time weakened by a useless ostentation of superiority.

The only parts of the Spanish dominions in which they can receive any hurt from our forces, are those countries

which they possess in America, and from which they receive the gold and silver which inflame their pride, and incite them to insult nations more powerful than themselves. By seizing any part of those wealthy regions, we shall stop the fountain of their treasure, reduce them to immediate penury, and compel them to solicit peace upon any conditions that we shall condescend to offer them.

The necessity of invading these countries, my lords, was perfectly understood, and very distinctly explained, when the forces destined for that expedition were delayed, and when the attempt at Carthagena miscarried; nothing was more pathetical than the complaints of the patriots, who spared no labour to inform either the senate or the nation of the advantages which success would have procured. But what measures have been taken to repair our losses, or to regain our honour; or what new schemes have been formed for making an attack more forcible upon some weaker part?

Every one can remember, that the miscarriage of that enterprise was imputed, not to its difficulty, nor to the courage of the Spaniards, nor to the strength of their works, but to the unskilfulness of our officers, and the impropriety of the season; and it was, therefore, without doubt thought not impossible to attack the Spanish colonies with success; but why then, my lords, have they hitherto suffered the Spaniards to discipline their troops, and strengthen their works at leisure, that at length they may securely set us at defiance, and plunder our merchants without fear of vengeance?

Thus, my lords, has our real interest been neglected in pursuit not of any other scheme of equal advantage, but of the empty title of the arbiters of Europe; we have suffered our trade to be destroyed, and our country impoverished for the sake of holding the *balance of power*; that variable balance, in which folly and ambition are perpetually changing the weights, and which neither policy nor strength could yet preserve steady for a single year.

In the prosecution of this idle scheme, we are about to violate all the maxims of wisdom, and perhaps of justice; we are about to destroy the end by the means which we

make use of to promote it, to endanger our country more by attempting to hinder the changes which are projected in Europe, than their accomplishment will endanger it, and to deliver up ourselves to France before she makes any demand of submission from us.

If any excuse could be made for expeditions so likely to end in ruin, it must be that justice required them; and that if we suffer, we at least suffer in support of right, and in an honest endeavour to promote the execution of the great laws of moral equity; that if we fail of success, we shall always have the consolation of having meant well, and of having deserved those victories which we could not gain.

But, upon an impartial survey of the cause in which we are going to engage, and on which we are about to hazard our own happiness, and that of our posterity, I can discover no such apparent justice on the side of the queen of Hungary, as ought to incite distant nations to espouse her quarrel, to raise armies in her favour, to consider her cause as that of human nature, and to prosecute those that invade her territories, as the enemies of general society.

The Pragmatick sanction, my lords, by which she claims all the hereditary dominions of her family, cannot change the nature of right and wrong, nor invalidate any claim before subsisting, unless by the consent of the prince by whom it was made. The elector of Bavaria may, therefore, urge in his own defence, that by the elder sister he has a clear and indisputable right, a right from which he never receded, as he never concurred in the Pragmatick sanction; he may, therefore, charge this illustrious princess, for whom so many troops are raised, and for whom so much blood is about to be shed, with usurpation, with detention of the dominions of other potentates, and with an obstinate assertion of a false title.

That the Pragmatick sanction is generally understood to be unjust, appears sufficiently from the conduct of those powers who, though engaged by solemn stipulations to support it, yet look unconcerned on the violation of it, and appear convinced, that the princes who are now dividing among themselves the Austrian dominions, produce claims which cannot be opposed without a manifest disregard of justice.

The pretensions of these princes ought, indeed, to have been more attentively considered, when this guaranty was first demanded; for it is evident, that either no such compact ought to have been made, or that it ought now to be observed; and that those who now justify the neglect of it, by urging its injustice, ought to have refused accession to it for the same reason. But it is probable, that they will urge in their defence, what cannot easily be confuted, that their consent was obtained by misrepresentations; and that he who has promised to do any thing on the supposition that it is right, is not bound by that promise, when he has discovered it to be wrong.

But though justice may, my lords, be pretended, I am far from doubting that policy has, in reality, supplied the motives upon which these powers proceed. Since the world is evidently governed more by interest than virtue, I think it not unreasonable to imagine, that they form their measures according to their own expectations of advantage; and as I do not believe our countrymen distinguished from the rest of mankind by any peculiar disregard of themselves, it may not be improper to examine, even in this place, whether by restoring the house of Austria to its ancient greatness, we shall promote our own happiness, or that of the empire, or of the rest of Europe.

To ourselves, my lords, I do not see what assistance can be given in time of danger by this house, however powerful, or however friendly; for, I suppose, we shall never suffer it to grow powerful by sea as well as by land, and by sea only can we receive benefits or injuries. What advantages the rest of Europe may promise themselves from the restoration of the Austrian power, may be learned, my lords, from the history of the great emperour, Charles the fifth, who for many years kept the world in continual alarms, ranged from nation to nation with incessant and insatiable ambition, made war only for the extinction of the protestant religion, and employed his power and his abilities in harassing the neighbouring princes, and disturbing the tranquillity of mankind.

Nor did his successours, my lords, though weakened by the division of his dominions, enjoy their power with

greater moderation, or exert it to better purposes. It is well known, that they endeavoured the subversion of both the liberties and religion of the subordinate states of the empire, and that the great king of Sweden was called into Germany, as well for the preservation of the protestant religion, as of the rights of the electors.

This, my lords, is so generally known and confessed, that Puffendorf, the best writer on the German constitution, has declared it disadvantageous to the empire to place at its head a prince too powerful by his hereditary dominions, since they will always furnish him with force to oppress the weaker princes; and it is not often found, that he who has the power to oppress, is restrained by principles of justice.

It appears, therefore, to me, my lords, that the late election of an emperour was made with sufficient regard to the general good; and that, therefore, neither policy nor equity oblige us to act in a manner different from the other powers who are joined in the same engagements, of whom I do not learn, by any of the common channels of intelligence, that any of them intend the support of the Pragmatick sanction; for no newspaper or pamphlet has yet informed us, that any of the other powers are hiring auxiliaries, or regulating the march of their troops, or making any uncommon preparations, which may foretoken an expedition against the emperour or his allies.

Yet, my lords, they are not restrained from attacking the emperour, by so strong objections as may be made to the present design; for they owe him no obedience as their sovereign, nor have contributed to the acquisition of his honours; they have not, like his majesty, given their votes for his exaltation to the imperial seat, nor have acknowledged his right by granting him an aid. They might, therefore, without charge of disloyalty or inconsistency, endeavour to dethrone him; but how his majesty can engage in any such design, after having zealously promoted his advancement, and confirmed his election by the usual acknowledgment, I am not able to understand.

It is evident, that the king of Prussia believes himself restrained by his own acts, and thinks it absurd to fight

against an emperour, who obtained the throne by his choice; he, therefore, has, with his usual wisdom, refused to engage in the confederacy, nor have either promises or concessions been able to obtain more from him than a bare neutrality.

Whether, indeed, any more than a neutrality be intended, even by this pompous armament, for which we are now required to provide, I may be allowed to doubt; since the troops that are hired at so high a rate, are such as cannot act against the enemies of the queen of Hungary, without breach of the imperial constitutions.

It has been already justly observed in this debate, that when the emperour has obtained from the diet an aid of fifty months, that act is considered as an authentick recognition of his title; nor can any of the German princes afterwards make war against him, without subjecting his dominions to the imperial interdict, and losing the privileges of his sovereignty.

That the present emperour has already received this acknowledgment, and been confessed by his majesty, as elector of Hanover, to be legally invested with the imperial dignity, is well known; and, therefore, I cannot by any method of reasoning discover, nor have yet found any man able to inform me, why the troops of Hanover are chosen before those of any other nation, for a design which they cannot execute, without ruining their sovereign if they fail; and infringing the constitution of the empire, if they should happen to succeed?

I should, therefore, have imagined, that the assistance of the queen of Hungary was only pretended, and that the forces were only designed to breathe the air of the continent, and to display their scarlet at the expense of Britain, had not the noble lord who spoke third in this debate informed us, that they will in reality march into Germany; a design, my lords, so romantick, unseasonable, and dangerous, that though I cannot doubt it after such assurances, I should not have believed it on any other; a design which I hope every man, who regards the welfare of this kingdom, will indefatigably oppose, and which every Briton must wish that some lucky accident may frustrate.

To send an army into Germany, my lords, is to hazard our native country without necessity, without temptation, without prospect or possibility of advantage; it is to engage in a quarrel which has no relation to our dominions, or rights, or commerce; a quarrel from which, however it be decided, we can neither hope for any increase of our wealth, our force, or our influence; but which may involve us in a war without end, in which it will be difficult to obtain the victory, and in which we must yet either conquer or be undone.

Surely, my lords, an expedition like this was never undertaken before, without consulting the senate, and declaring the motives on which it was designed; surely never was any supply of this nature demanded, without some previous discoveries to this house of the importance of the service for which they were required to provide. On this occasion, my lords, all the councils of the government are covered by a cloud of affected secrecy, nor is any knowledge of our affairs to be gained, but from papers which are not to be regarded here, the printed votes of the other house.

I am always, my lords, inclined to suspect unusual secrecy, and to imagine, that men either conceal their measures, because they cannot defend them, or affect an appearance of concealing them, when in reality they have yet projected nothing, and draw the veil with uncommon care, only lest it should be discovered that there is nothing behind it; as when palaces are shown, those apartments which are empty, are carefully locked up.

To confess my opinion without reserve, I am not so much inclined to believe, that our ministers' designs are bad, as that they design nothing; and suspect that this mighty army, so lavishly paid, and collected from such distant parts, is to regulate its motions by accident, and to wait without action, till some change in the state of Europe shall make it more easy for our ministers to form their scheme.

I hope, my lords, that by some accident more favourable than we have at present reason to expect, our German

expedition will be retarded, till our ministers shall awaken from their present dream of delivering Europe from the French ambition, and of restoring the ancient greatness of the house of Austria. I hope every day, as it adds to their experience, will diminish that ardour which is generally the effect of imperfect views, which is commonly raised by partial considerations, and ends in inconsiderate undertakings. I hope they will in time think it no advantage to their fellow-subjects to be doomed to fight the battles of other nations, and to be called out into every field, where they shall happen to hear that blood is to be shed. I hope they will be taught, that the only business of Britain is commerce; and that while our ships pass unmolested, we may sit at ease, whatever be the designs or actions of the potentates on the continent; that none but naval power can endanger our safety, and that it is not necessary for us to inquire, how foreign territories are distributed, what family approaches to its extinction, or where a successour will be found to any other crown than that of Britain.

If these maxims were once generally understood, from how much perplexity would our councils be set free? how many thousands of our fellow-subjects would be preserved from slaughter? and how much would our wealth be increased, by saving those sums which are yearly squandered in idle expeditions, or in negotiations equally useless, and, perhaps, equally expensive? Had these principles been received by our forefathers, we might now have given laws to the world, and, perhaps, our posterity will, with equal reason, say, How happy, how great and formidable they should have been, had not we attempted to fix and to hold the balance of power, and neglected the interest of our country for the preservation of the house of Austria!

Thus, my lords, I have endeavoured to explain and enforce my opinion of the measures in which our ministers have engaged the nation; and hope that I shall not be accused of being influenced in my determinations by personal prejudices, nor of having changed my opinions with

regard to publick affairs, in consequence of any change of the persons by whom they are conducted. For if my sentiments have ever been thought important enough to be retained in memory, I can, with the utmost confidence, appeal to all those who can recollect what I have formerly said, when the reestablishment of the house of Austria was the subject of our consultations; and defy the most rigorous and attentive examiner of my conduct, to prove, that there ever was a time in which I thought it necessary or expedient for the British nation to be entangled in disputes on the continent, or to employ her arms in regulating the pretensions of contending powers.

I was always of opinion, my lords, that peace is the most eligible state, and that the ease of security is to be preferred to the honour of victory. I always thought peace particularly necessary to a trading people; and as I have yet found no reason to alter my sentiments, and as auxiliaries cannot be of any use but in time of war, I shall endeavour to promote peace by joining in the motion.

Lord CHOLMONDELEY spoke to this effect:—My lords, notwithstanding the atrocious charges which have been urged with so much vehemence against the ministry; notwithstanding the folly and absurdity which some lords have imagined themselves to have discovered in the present measures, I cannot yet prevail upon myself, whatever may be my veneration for their integrity, or my confidence in their abilities, to approve the motion for which they so earnestly contend.

To comply with this motion, my lords, would be, in my opinion, to betray the general cause of mankind, to interrupt the success of the assertors of liberty, to give up all the continent, at once, to the house of Bourbon, to defeat all the measures of our ancestors and ourselves, and to invite the oppressors of mankind to extend their claims of universal dominion to the island of Britain.

Of the measures which we are now to consider, I think the defence at once obvious and unanswerable; and should advise, that instead of exerting an useless sagacity in uncertain conjectures on future events, or displaying unseasonable knowledge by the citation of authorities, or the

recollection of ancient facts, every lord should attentively compare the state into which Europe was reduced soon after the death of the late emperour, with that in which it now appears; and inquire to what causes such sudden and important changes are to be ascribed. He will then easily discover the efficacy of the British measures; and be convinced, that nothing has been omitted which the interest of this nation required.

When I hear it asked by the noble lords, what effects have been produced by our armaments and expenses? For what end auxiliaries are hired, and why our armies are transported into Flanders? I cannot but suspect, my lords, that this affectation of ignorance is only intended to irritate their opponents; that they suppress facts with which they are well acquainted, only that they may have an opportunity of giving vént to their passions, of displaying their imagination in artful reproaches, and exercising their eloquence in splendid declamations. I believe they hide what they know where to find, only to oblige others to the labour of producing it; and ask questions, not because they want or desire information, but because they hope to weary those whose stations condemn them to the task of answering them.

The effects, my lords, which the assistance given by us to the queen of Hungary have already produced, are the recovery of one kingdom, and the safety of the rest; the exclusion of the Spaniards from Italy on the one part, and on the other the confinement of them in it, without either the supplies for war, or the necessaries of life.

These, my lords, are surely great advantages; but these are not the greatest which we have reason to hope. Our vigour and resolution have at last animated the Dutch to suspend for a time their attention to trade and money, and to consider what they seldom much regard, the state of other nations; the most rich and powerful of their provinces have already determined to concur in the reestablishment of the house of Austria; and if the approbation of the rest be necessary, it is likely to be obtained by the same method of proceeding.

Thus, my lords, we have a prospect of doing that which

the ministers of queen Anne, whose fidelity, wisdom, and address, have been so often and so invidiously commended, thought their greatest honour, and the strongest proof of their abilities. We may soon form another confederacy against the house of Bourbon, at a time when Louis the fourteenth is not at its head, at a time when it is exhausted by expensive projects; and when, therefore, it cannot make the same resistance as when it was before attacked.

By pursuing the scheme which is now formed, with steadiness and ardour, we may, perhaps, reinstate all those nations in their liberties, whom cowardice, or negligence, or credulity have, during the last century, delivered up to the ambition of France; we may confine that swelling monarchy, which has from year to year torn down the boundaries of its neighbours, within its ancient limits, and disable it for ages from giving any new alarms to mankind, and from making any other efforts for the acquisition of universal dominion; we may reestablish the house of Austria as the great barrier of the world, by which it is preserved on one part from being laid waste by the barbarity of the Turks, and on the other from being enslaved by politer tyrants, and overrun by the ambition of France.

Elevated with such success, and encouraged by such prospects, we ought surely, my lords, to press forward in a path, where we have hitherto found no difficulties, and which leads directly to solid peace and happiness, which no dangers or terrours can hereafter interrupt: we ought, instead of relaxing, to redouble our efforts; and to remember, that by exerting all our strength and all our influence for a short time, we shall not only secure ourselves and our posterity from insolence and oppression, but shall establish the tranquillity of the world, and promote the general felicity of the human species.

For these great purposes, my lords, are those auxiliaries retained, of which some lords now require the dismission; and those armies transported, which part of the nation is by false reports inclined to recall; but I hope that such unreasonable demands will not be gratified, and that the faith of treaties, the ties of friendship, the call of justice, and

the expectations of our allies, will easily prevail upon your lordships to despise the murmurs of prejudice, and the outcries of faction.

Lord BATH replied to the following effect:—My lords, as I am far from thinking, that my advice or opinion can be of any use in this illustrious assembly, I should have listened in silence to this debate, important as it is, had I not thought it my duty to defend here what I approved in the council; and considered it as an act of cowardice and meanness to fall passively down the stream of popularity, and to suffer my reason and my integrity to be overborne by the noise of vulgar clamours, which have been raised against the measures of the government by the low arts of exaggeration, fallacious reasonings, and partial representations. It is not without concern, my lords, that even in this house I observe some inclination to gratify the prejudices of the people, and to confirm them in their contempt of the foreign troops, by the poor artifice of contemptuous language. To dispute about words, is, indeed, seldom useful; and when questions so weighty as these are before us, may be justly censured as improper. I shall, therefore, only observe that the term *mercenaries*, which is in the motion applied to the forces of Hanover, seems designed rather to affect the passions than influence the reason, and intended only to express a partiality which cannot be justified.

But it is far more necessary, my lords, to consider upon what motives the troops of Hanover were hired, than by what denomination they may most properly be called; and therefore I shall endeavour to explain the reasons which induced the ministry to retain them, and which, I suppose, have prevailed upon the commons to provide for their support.

It has been asked, why the troops of Hanover were preferred to those of any other nation? And it has been insinuated, that our determination was influenced by motives very different from that regard which every Briton owes to the interest of his native country. But to this imputation, however specious, and however popular, it may be

with great security replied, that there was no preference, because there was no choice; that there was a necessity for hiring troops, and that no other troops were to be obtained; and whoever shall endeavour to invalidate this defence, must engage in an undertaking of which I can boldly affirm, that he will find it very difficult. He must show what power would have been able or willing to have furnished us with troops on this occasion; and I am confident, that whoever shall, with this design, take a deliberate survey of the several kingdoms and states of Europe, will find, that there is no other prince to whom we could have applied on this occasion, without greater inconveniencies than can reasonably be feared from the present stipulation with Hanover.

The reasons, indeed, for which this stipulation was made, appeared so strong, when it was considered in the council, that it was unanimously determined necessary; nor was the conclusion hastily made in an assembly of particular persons, who might be suspected of favouring it from private views, and of being convened on purpose to put it in execution: it was debated by a great number with great solemnity; nor can any man say, that he only yielded to what he found it in vain to oppose; for the consent given was not a tacit acquiescence, but a verbal approbation. So far was this part of our measures from being the advice of any single man, or transacted with that solicitous secrecy which is the usual refuge of bad designs.

It has been asserted, likewise, my lords, and with much greater appearance of justice, that this whole design has been formed and conducted without the concurrence or approbation of the senate; and that, therefore, it can be considered only as a private scheme to be executed at the publick expense, as a plan formed by the ministry to aggrandize or ingratiate themselves at the hazard of the nation.

But even this, my lords, is a misrepresentation, though a misrepresentation more artful, and more difficult to defeat; because, in order to the justification of our measures, it is necessary to take a review of past transactions, and to

consider what was necessarily implied by former determinations of the senate.

The period, my lords, to which this consideration will necessarily carry us back, is the time at which, after the late tedious war, a peace was, on whatever terms, concluded with France. It is well known, that the confederates demanded, among other advantages, a cession of that part of Flanders, which had been for many years in the possession of Spain, and which opened a way by which the ambition of the house of Bourbon might make inroads at pleasure into the dominions of either the Austrians or Dutch. This they were immediately interested in preventing; and as we knew the necessity of preserving the equipoise of power, we likewise were remotely engaged to promote any measures by which it might be secured. In this demand, therefore, all the confederate powers naturally united, and by their united influence enforced compliance. But though it was easy, with no great profundity of political knowledge, to discover from whom these provinces should be taken away, to whom they should be given, was a question of more difficulty; since they might add to the power that had opportunities of improving them, such an increase of commerce and wealth as might defeat the end for which they were demanded, and destroy the balance of power, by transferring too much weight into another scale. And mankind has learned, my lords, by experience, that exorbitant power will always produce exorbitant pride; that very few, when they can oppress with security, will be contained within the bounds of equity by the restraints of morality or of religion; and that, therefore, the only method of establishing a lasting peace is to divide power so equally, that no party may have any certain prospect of advantage by making war upon another.

For this reason, my lords, it was apparently contrary to our interest to grant those provinces to those to whom, by their situation, they might have been most useful. Such countries, and such manufactures in the hands of a people versed, perhaps, beyond all others, both in the science and the stratagems of trade, and always watchful to improve

every opportunity of increasing their riches, would have enabled them in a short time to purchase an interest in the councils of all the monarchs of the world, to have maintained fleets that might have covered the ocean, and to have obtained that universal dominion to which the French have so long aspired, and which it is, perhaps, more for the interest of mankind, that if slavery cannot be prevented, they should obtain, as they would, perhaps, use their power with more generosity.

The same reason, my lords, naturally made the Dutch unwilling to put these provinces in the hands of Britain; for we, likewise, make a profession of trade, though we do not pursue it with the same ardour, or, to confess the truth, with the same success: it was not, however, to be imagined, that there would not be found among us some men of sagacity to discern, and of industry to improve the opportunities which the new dominions would have put into our hands of vending our manufactures in parts where, at present, they are very little known. Nor was this the only danger to be feared from such an increase of dominion: the Dutch have not yet forgotten, that though we at first rescued them from slavery, patronised the infancy of their state, and continued our guardianship till it was grown up to maturity, and enabled to support itself by its own strength, yet we afterwards made very vigorous attempts to reduce it to its original weakness, and to sink it into pupillage again; that we attempted to invade the most essential part of its rights, and to prescribe the number of ships that it should maintain. They know, likewise, my lords, that by the natural rotation of human affairs, the same counsels may in some future reign be again pursued, or that some unavoidable conflict of interest may produce a contest that can be decided only by the sword; and then it may easily be perceived how much they would be endangered, by the neighbourhood of British garrisons, and of countries, where we might maintain numerous armies at a very small expense. It is, therefore, no subject of wonder, that a nation much less subtile than the Dutch should find out how much it was their interest, that we should be con-

fined within the limits of our own island; and that we should not have it in our power to attack them with armies as well as fleets, and at once to obstruct their commerce and invade their country.

There remained, therefore, my lords, no power but the emperour to whom these provinces could be consigned; and to him, therefore, they were given, but given only in trust for the joint advantage of the whole confederacy; he, indeed, enjoys their revenues on condition that he shall support the garrisons necessary to their defence; but he cannot transfer them to any other power, or alienate them to the detriment of those nations who concurred in acquiring them.

It may not be improper, my lords, to observe, that on this contract depends the justice of our conduct with regard to the company established at Ostend for carrying on a trade to the East Indies. These provinces were granted to the confederate powers, and consigned to the emperour to be enjoyed by him for the common benefit: it was, therefore, plainly intended by this contract, that he should use none of the advantages which these new dominions afforded him, to the detriment of those powers by whose gift he enjoyed them; nor could it be supposed that the Dutch and Britons debarred each other from those opportunities of trade only to enable the emperour to rival them both.

The towns, therefore, my lords, were at this time determined by the senate to be the general property of all the confederate powers, acquired by their united arms, and to be preserved for their common advantage, as the pledge of peace, and the palladium of Europe. If, therefore, it should at any time happen, that they should be endangered either by the weakness or neglect of any one of those powers, the rest are to exert their right, and endeavour their preservation and security; nor is there any new stipulation or law necessary for this; since, with respect to the confederates, it is implied in the original stipulation, and with regard to the senate of Britain, in the approbation which was bestowed upon that contract, when it was made.

The time, my lords, in which this common right is to be exerted, is now arrived; the queen of Hungary, invaded in her hereditary dominions, and pressed on every side by a general combination of almost all the surrounding princes, declares herself no longer able to support the garrisons of the barrier, and informs us, that she intends to recall her troops for the defence of their own country. What, then, is more apparent, my lords, than that either these towns must fall again into the hands of the French, and that we shall be obliged to recover them, if they can ever be recovered, at the expense of another ten years' war, or that either we or the Dutch must send troops to supply the place of those which the necessities of their sovereign oblige her to withdraw.

That the towns of Flanders should be resigned gratuitously to France, that the enemies of mankind should be put in possession of the strongest bulwarks in the world, surrounded by fields and pastures able to maintain their garrisons without expense, will not be proposed by any of this assembly. But it may easily and naturally be objected, that the Dutch ought to garrison these towns, as more nearly interested in their preservation, and more commodiously situated for their defence; nor can it be, indeed, denied, that the Dutch may be justly censured for their neglect, as they appear to leave the common cause to our protection, and to prefer their commerce and their ease to their own safety and the happiness of the world.

This, my lords, has been very warmly asserted in their own assemblies, nor have there been wanting men of spirit and integrity amongst them who have despised the gold and promises, and detected the artifices of France; who have endeavoured by all the arts of argument and persuasion to rouse their countrymen to remembrance of their former danger, and to an inquiry into their real interest; who have advised the levy of new forces, and the establishment of a new confederacy; who have called upon the state to face danger while it is yet distant, and to secure their own country by pouring their garrisons into the towns and citadels by which their frontiers are protected.

If their arguments, however just, have not yet attained their end, it is to be imputed to the constitution, embarrassed by the combination of different interests, which must be reconciled, before any resolution can be formed. A single town, my lords, can, by refusing its consent, put a stand to the most necessary designs, and it is easily to be imagined, that by a monarch equally crafty and rich, a single town may sometimes be bribed into measures contrary to the publick interest.

But, my lords, the negligence of the Dutch is a motive which ought to incite us to vigour and despatch; since it is not for the sake of the Dutch but ourselves, that we desire the suppression of France. If the Dutch are at length convinced of the ease of slavery, and think liberty no longer worth the labour of preserving it,—if they are tired with the task of labouring for the happiness of others, and have forsaken the stand on which they were placed, as the general watch of the world, to indulge themselves in tranquillity and slumber,—let not us, my lords, give way to the same infatuation; let not us look with neglect on the deluge that rolls towards us till it has advanced too far to be resisted. Let us remember, that we are to owe our preservation only to ourselves, and redouble our efforts in proportion as others neglect their duty. Let us show mankind, that we are neither afraid to stand up alone in defence of justice and of freedom, nor unable to maintain the cause that we have undertaken to assert.

But if it should be thought by any of this noble assembly, that the concurrence of the Dutch is absolutely necessary to a prospect of success, it may be reasonably answered, that by engaging in measures which can leave no doubt of either our power or our sincerity, the concurrence of the Dutch is most likely to be obtained. By this method of proceeding, my lords, was formed the last mighty confederacy by which the house of Bourbon was almost shaken into ruins. The Dutch then, as now, were slow in their determinations, and perhaps equally diffident of their own strength and our firmness; nor did they agree to declare war against France, till we had transported ten thou-

sand men into Flanders, and convinced them that we were not inviting them to a mock alliance; but that we really intended the reduction of that empire which had so long extended itself without interruption, and threatened in a short time to swallow up all the western nations.

Thus, my lords, it appears, that the measures which have been pursued are just, politick, and legal; that they have been prescribed by the decrees of former senates, and therefore cannot be censured as arbitrary; and that they have a tendency to the preservation of those territories which it was once thought so much honour to acquire: and it may be yet farther urged, that though they are to be considered only as the first tendencies to secure greater designs, they have already produced effects apparently to the advantage of the common cause, and have obliged the French to desist from their pursuit of the queen of Hungary, and rather to inquire how they shall return home than how they shall proceed to farther conquests.

In condemnation of these measures, my lords, it has indeed been urged, that a moderate conduct is always eligible; and that nothing but ruin and confusion can be expected from precipitation and temerity. Moderation, my lords, is a very captivating sound; but I hope it will have now no influence on this assembly; because on this occasion it cannot properly be employed. I have always been taught, that moderation is only useful in forming determinations or designs, but that when once conviction is attained, zeal is to take place; and when a design is planned, it ought to be executed with vigour.

The question is not now, my lords, whether we shall support the queen of Hungary, but in what manner she shall be supported; and, therefore, it cannot be doubted, but that such support should be granted her as may be effectual; and I believe it will not be thought, that we can assist her without exerting an uncommon degree of vigour, and showing, that we consider ourselves as engaged in a cause which cannot be abandoned without disgrace and ruin.

If the noble lord had, before he entered upon his encomium on moderation, considered what effects could be pro-

mised from his favourite virtue, he would have had no inclination to display his eloquence upon it. By moderation, my lords, uninterrupted moderation of more than twenty years, have we become the scorn of mankind, and exposed ourselves to the insults of almost every nation in the world. By moderation have we betrayed our allies, and suffered our friendship to lose all its value; by moderation have we given up commerce to the rapacity of an enemy, formidable only for his perseverance, and suffered our merchants to be ruined, and our sailors to be enslaved. By moderation have we permitted the French to grasp again at general dominion, to overrun Germany with their armies, and to endanger again the liberties of mankind; and by continuing, for a very few years, the same laudable moderation, we shall probably encourage them to shut up our ships in our harbour, and demand a tribute for the use of the Channel.

I need not observe to your lordships, that all the great actions that have, in all ages, been achieved, have been the effects of resolution, diligence, and daring activity, virtues wholly opposite to the calmness of moderation. I need not observe, that the advantages enjoyed at present by the French are the consequences of that vigour and expedition, by which they are distinguished, and which the form of their government enables them to exert. Had they, my lords, instead of pouring armies into the Austrian dominions, and procuring, by the terrour of their troops, the election of an emperour, pursued these measures of moderation which have been so pathetically recommended, how easily had their designs been defeated? Had they lost time in persuading the queen of Hungary by a solemn embassy to resign her dominions, or attempted to influence the diet by amicable negotiations, armies had been levied, and the passes of Germany had been shut against them; they had been opposed on the frontiers of their own dominions, by troops equally numerous and warlike with their own, and instead of imposing a sovereign on the empire, had been, perhaps, pursued into their own country.

But, my lords, whether moderation was not recom-

mended to them by such powerful oratory as your lordships have heard, or whether its advocates met with an audience not easily to be convinced, it is plain that they seem to have acted upon very different principles, and I wish their policy had not been so strongly justified by its success. By sending an army into Germany, my lords, when there were no forces ready to oppose them, they reduced all the petty princes to immediate submission, and obliged those to welcome them as friends, who would gladly have united against them as the inveterate enemies of the whole German body; and who, had they been firmly joined by their neighbours, under a general sense of their common danger, would have easily raised an army able to have repelled them.

This, my lords, was the effect of vigour, an effect very different from that which we had an opportunity of experiencing as the consequence of *moderation;* it was to no purpose that we endeavoured to alarm mankind by remonstrances, and to procure assistance by entreaties and solicitations; the universal panick was not to be removed by advice and exhortations, and the queen of Hungary must have sunk under the weight of a general combination against her, had we not at last risen up in her defence, and with our swords in our hands, set an example to the nations of Europe, of courage and generosity.

It then quickly appeared, my lords, how little is to be expected from cold persuasion, and how necessary it is, that he who would engage others in a task of difficulty, should show himself willing to partake the labour which he recommends. No sooner had we declared our resolution to fulfil our stipulations, and ordered our troops to march for the relief of the queen of Hungary, than other princes discovered that they had the same dispositions, though they had hitherto thought it prudent to conceal them; that they, equally with ourselves, hated and feared the French; that they were desirous to repress their insolence and oppose their conquests, and only waited for the motions of some power who might stand at the head of the confederacy, and lead them forwards against the common enemy.

The liberal promises of dominion made by the French, by which the sovereigns of Germany had been tempted to concur in a design which they thought themselves unable to oppose, were now no longer regarded; they were considered only as the boasts of imaginary greatness, which would at last vanish into air; and every one knew, that the ultimate design of Europe was to oppress equally her enemies and friends; they wisely despised her offers, and either desisted from the designs to which they had been incited by her, or declared themselves ready to unite against her.

This, my lords, has been the consequence of assembling the army, which, by the motion now under our consideration, some of your lordships seem desirous to disband, an inclination of which I cannot discover from whence it can arise. For what, my lords, must be the consequence, if this motion should be complied with? what but the total destruction of the whole system of power which has been so laboriously formed and so strongly compacted? what but the immediate ruin of the house of Austria, by which the French ambition has been so long restrained? what but the subversion of the liberties of Germany, and the erection of an universal empire, to which all the nations of the earth must become vassals?

Should the auxiliary troops be disbanded, the queen of Hungary would find what benefit she has received from them by the calamities which the loss of them would immediately bring upon her. All the claims of all the neighbouring princes, who are now awed into peace and silence, would be revived, and every one would again believe, that nothing was to be hoped or feared but from France. The French would again rush forward to new invasions, and spread desolation over other countries, and the house of Austria would be more weakened than by the loss of many battles in its present state.

The support of the house of Austria appears not, indeed, much to engage the attention of those by whom this motion is supported. It has been represented as a house equally ambitious and perfidious with that of Bourbon, and equally an enemy both to liberty and to true religion; and a very

celebrated author has been quoted to prove, that it is the interest of the Germans themselves to see a prince at their head, whose hereditary dominions may not incite him to exert the imperial power to the disadvantage of the inferiour sovereigns.

In order to the consideration of these objections, it is necessary to observe, my lords, that national alliances are not like leagues of friendship, the consequences of an agreement of disposition, opinions, and affections, but like associations of commerce, formed and continued by no similitude of any thing but interest. It is not, therefore, necessary to inquire what the house of Austria has deserved from us or from mankind; because interest, not gratitude, engages us to support it. It is useless to urge, that it is equally faithless and cruel with the house of Bourbon, because the question is not whether both shall be destroyed, but whether one should rage without control. It is sufficient for us that their interest is opposite, and that religion and liberty may be preserved by their mutual jealousy. And I confess, my lords, that were the Austrians about to attain unlimited power by the conquest or inheritance of France and Spain, it would be no less proper to form confederacies against them.

The testimony which has been produced of the convenience of a weak emperour, is to be considered, my lords, as the opinion of an author whose birth and employment had tainted him with an inveterate hatred of the house of Austria, and filled his imagination with an habitual dread of the imperial power. He was born, my lords, in Sweden, a country which had suffered much by a long war against the emperour; he was a minister to the electors of Brandenburgh, who naturally looked with envy on the superiority of Austria, and could not but wish to see a weaker prince upon the imperial throne, that their own influence might be greater; nor can we wonder, that a man thus born and thus supported should adopt an opinion by which the pride of his master would be flattered, and perhaps the interest of his own country promoted.

It is likewise, my lords, to be remarked, that there was then no such necessity for a powerful prince to stand at the

head of the Germans, and to defend them with his own forces till they could unite for their own preservation. The power of France had not then arrived at its present height, nor had their monarchs openly threatened to enslave all the nations of Europe. The princes of the empire had then no oppression to fear, but from the emperour; and it was no wonder, that when he was their only enemy, they wished that his power was reduced.

How much the state of the continent is now changed, is not necessary to mention, nor what alteration that change has introduced into the politicks of all nations; those who formerly dreaded to be overwhelmed by the imperial greatness, can now only hope to be secured by it from the torrent of the power of France; and even those nations who have formerly endeavoured the destruction of Austria, may now rejoice, that they are sheltered by its interposition from tyrants more active and more oppressive.

But, my lords, though it should be granted that the house of Austria ought not to be supported, it will not, in my opinion, follow, that this motion deserves our approbation; because it will reduce us to a state of imbecility, and condemn us to stand as passive spectators of the disturbances of the world, without power and without influence, ready to admit the tyrant to whom chance shall allot us, and receive those laws which the prevailing power shall vouchsafe to transmit.

Whether we ought to support the house of Austria, to prevent its utter subversion, or restore it to its former greatness, whatever may be my private opinion, I think it not on this occasion necessary to assert; it is sufficient to induce us to reject this motion, that we ought to be at least in a condition that may enable us to improve those opportunities that may be offered, and to hinder the execution of any design that may threaten immediate danger to our commerce or our liberty.

Another popular topick, my lords, which has been echoed on the present occasion, is the happiness of peace, and the blessing of uninterrupted commerce and undisturbed security. We are perpetually told of the hazards of war, what-

ever may be the superiority of our skill or courage; of the certainty of the expenses, the bloodshed, and the hardships, and doubtfulness of the advantages which we may hope from them; and it is daily urged with great vehemence, that peace upon the hardest conditions is preferable to the honour of conquests, and the festivity of triumphs.

These maxims, my lords, which are generally true in the sense which their authors intended, may be very properly urged against the wild designs of ambition, and the romantick undertakings of wanton greatness; but have no place in the present inquiry, which relates to a war not made by caprice, but forced upon us by necessity; a war to which all the encomiums on peace, must in reality incite, because peace alone is the end intended to be obtained by it.

Of the necessity of peace to a trading nation it is not possible, my lords, to be ignorant; and therefore no man can be imagined to propose a state of war as eligible in itself. War, my lords, is, in my opinion, only to be chosen, when peace can be no longer enjoyed, and to be continued only till a peace secure and equitable can be attained. In the present state of the world, my lords, we fight not for laurels, nor conquests, but for existence. Should the arms of France prevail, and prevail they must, unless we oppose them, the Britons may, in a short time, no longer be a nation, our liberties will be taken away, our constitution destroyed, our religion persecuted, and perhaps our name abolished.

For the prevention of calamities like these, not for the preservation of the house of Austria, it is necessary, my lords, to collect an army; for by an army only can our liberties be preserved, and such a peace obtained, as may be enjoyed without the imputation of supineness and stupidity.

Of this the other house appears to be sufficiently convinced, and has therefore granted money for the support of the auxiliary troops; nor do I doubt but your lordships will concur with them, when you shall fully consider the motives upon which they may be supposed to have proceeded, and reflect, that by dismissing these troops, we shall sacrifice to the ambition of the French, the house of Austria, the liberties of Europe, our own happiness, and that of our pos-

terity; and that, by resolving to exert our forces for a short time, we may place the happiness of mankind beyond the reach of attacks and violation.

Lord CARTERET replied to the following effect:—My lords, the considerations which were laid before you by the noble lords who made and seconded the motion, are so important in themselves, and have been urged with so much force and judgment, that I shall not endeavour to add any new arguments; since, where those fail which have been already offered, it is not likely that any will be effectual: but I shall endeavour to preserve them in their full force by removing the objections which have been made to them.

The first consideration that claims our attention is the reverence due to the senate, to the great council of the nation, which ought always to be consulted when any important design is formed, or any new measures adopted; especially if they are such as cannot be defeated by being made publick, and such as an uncommon degree of expense is necessary to support.

These principles, my lords, which I suppose no man will contest, have been so little regarded by the ministry on the present occasion, that they seem to have endeavoured to discover, by a bold experiment, to what degree of servility senates may be reduced, and what insults they will be taught to bear without resentment; for they have, without the least previous hint of their design, made a contract for a very numerous body of mercenaries, nor did they condescend to inform the senate, till they asked for money to pay them.

To execute measures first, and then to require the approbation of the senate, instead of advice, is surely such a degree of contempt as has not often been shown in the most arbitrary reigns, and such as would once have provoked such indignation in the other house, that there would have been no need in this of a motion like the present.

But, my lords, in proportion as the other house seems inclined to pay an implicit submission to the dictates of the ministry, it is our duty to increase our vigilance, and to convince our fellow-subjects, by a steady opposition to all encroachments, that we are not, as we have been some-

times styled, an useless assembly, but the last resort of liberty, and the chief support of the constitution.

The present design of those, who have thus dared to trample upon our privileges, appears to be nothing less than that of reducing the senates of Britain to the same abject slavery with those of France; to show the people that we are to be considered only as their agents, to raise the supplies which they shall be pleased, under whatever pretences, to demand, and to register such determinations as they shall condescend to lay before us.

This invasion of our rights, my lords, is too flagrant to be borne, though were the measures which we are thus tyrannically required to support, really conducive in themselves to the interest of Britain, which, indeed, might reasonably have been expected; for what head can be imagined so ill formed for politicks as not to know, that the first acts of arbitrary power ought to be in themselves popular, that the advantage of the effect may be a balance to the means by which it is produced.

But these wonderful politicians, my lords, have heaped one blunder upon another; they have disgusted the nation both by the means and the end; and have insulted the senate with no other view than that of plundering the people. They have ventured, without the consent of the senate, to pursue measures, of which it is obvious that they were only kept secret because they easily foresaw that they would not be approved.

For that the hire of mercenaries from Hanover, my lords, would have been rejected with general indignation; that the proposal would have produced hisses rather than censures; and that the arguments which have been hitherto used to support it, would, if personal regards did not make them of some importance, produce laughter oftener than replies, cannot surely be doubted.

It has been said in vindication of this wise scheme, that no other troops could be obtained but those of Hanover; an assertion which I hope I may be allowed to examine, because it is yet a bare assertion without argument, and against probability; since it is generally known, how wil-

lingly the princes of Germany have on all former occasions sent out their subjects to destruction, that they might fill their coffers with their pay; nor do I doubt, but that there is now in the same country the usual superabundance of men, and the usual scarcity of money. I make no question, my lords, that many a German prince would gladly furnish us with men as a very cheap commodity, and think himself sufficiently rewarded by a small subsidy. There could be no objection to these troops from the constitution of the empire, which is not of equal force against the forces of Hanover; nor do I know why they should not rather have been employed, if they could have been obtained at a cheaper price.

The absurdity of paying levy-money for troops regularly kept up, and of hiring them at a higher rate than was ever paid for auxiliaries before, has been so strongly urged, and so fully explained, that no reply has been attempted by those who have hitherto opposed the motion; having rather endeavoured to divert our attention to foreign considerations, than to vindicate this part of the contract, which is, indeed, too shameful to be palliated, and too gross to be overlooked.

It is, however, proper to repeat, my lords, that though it cannot be confuted, it may be forgotten in the multitude of other objects, that this nation, after having exalted the elector of Hanover from a state of obscurity to the crown, is condemned to hire the troops of Hanover to fight their own cause, to hire them at a rate which was never demanded for them before, and to pay levy-money for them, though it is known to all Europe, that they were not raised on this occasion.

Nor is this the only hardship or folly of this contract; for we are to pay them a month before they march into our service; we are to pay those for doing nothing, of whom it might have been, without any unreasonable expectations, hoped, that they would have exerted their utmost force without pay.

For it is apparent, my lords, that if the designs of France be such as the noble lords who oppose the motion

represent them, Hanover is much nearer to danger than Britain; and, therefore, they only fight for their own preservation; since, though they have for a single year been blessed with a neutrality, it cannot be imagined, that the same favour will be always granted them, or that the French, when they have overrun all the rest of Germany, will not annex Hanover to their other dominions.

Besides, my lords, it is well known, that Hanover is equally engaged by treaty with Britain to maintain the Pragmatick sanction, and that a certain proportion of troops are to be furnished. But, my lords, as to the march of that body of forces, I have yet heard no account. Will any lord say that they have marched? I, therefore, suppose, that the wisdom and justice of our ministers has comprehended them in the sixteen thousand who are to fatten upon British pay, and that Hanover will support the Pragmatick sanction at the cost of this inexhaustible nation.

The service which those troops have already done to the common cause, has been urged with great pomp of exaggeration, of which what effect it may have had upon others, I am not able to say; for my part, I am convinced, that the great happiness of this kingdom is the security of the established succession; and am, therefore, always of opinion, that no measures can serve the common cause, the cause of liberty, or of religion, or of general happiness, by which the royal family loses the affections of the people. And I can with great confidence affirm, that no attempt for many years has raised a greater heat of resentment, or excited louder clamours of indignation, than the hire of Hanoverian troops; nor is this discontent raised only by artful misrepresentations, formed to inflame the passions, and perplex the understanding; it is a settled and rational dislike, which every day contributes to confirm, which will make all the measures of the government suspected, and may in time, if not obviated, break out in sedition.

A jealousy of Hanover has, indeed, for a long time prevailed in the nation. The frequent visits of our kings to their electoral dominions, contrary to the original terms on which this crown was conferred upon them, have inclined

the people of Britain to suspect, that they have only the second place in the affection of their sovereign; nor has this suspicion been made less by the large accessions made to those dominions by purchases, which the electors never appeared able to make before their exaltation to the throne of Britain, and by some measures which have been apparently taken only to aggrandize Hanover at the expense of Britain.

These measures, my lords, I am very far from imputing to our sovereign or his father; the wisdom of both is so well known, that they cannot be imagined to have incurred, either by contempt or negligence, the disaffection of their subjects. Those, my lords, are only to be blamed, who concealed from them the sentiments of the nation, and for the sake of promoting their own interest, betrayed them, by the most detestable and pernicious flattery, into measures which could produce no other effect than that of making their reign unquiet, and of exasperating those who had concurred with the warmest zeal in supporting them on the throne.

It is not without an uncommon degree of grief, that I hear it urged in defence of this contract, that it was approved by a very numerous council; for what can produce more sorrow in an honest and a loyal breast, than to find that our sovereign is surrounded by counsellors, who either do not know the desires and opinions of the people, or do not regard them; who are either so negligent as not to examine how the affections of the nation may be best preserved, or so rash as to pursue those schemes by which they hope to gratify the king at whatever hazard, and who for the sake of flattering him for a day, will risk the safety of his government, and the repose of his life.

It has, with regard to these troops, been asked by the noble lord who spoke last, what is the intent of this motion but to disband them? What else, indeed, can be intended by it, and what intention can be more worthy of this august assembly? By a steady pursuit of this intention, my lords, we shall regain the esteem of the nation, which this daring invasion of our privileges may be easily supposed to have impaired. We shall give our sovereign an opportunity, by a gracious condescension to our desires, to recover

those affections of which the pernicious advice of flatterers has deprived him; we shall obviate a precedent which threatens destruction to our liberties, and shall set the nation free from an universal alarm. Nor in our present state is it to be mentioned as a trifling consideration, that we shall hinder the wealth of the nation from being ravished from our merchants, our farmers, and our manufacturers, to be squandered upon foreigners, and foreigners from whom we can hope for no advantage.

But it may be asked, my lords, how the great cause of liberty is to be supported, how the house of Austria is to be preserved from ruin, and how the ambition of France is to be repressed? How all this is to be effected, my lords, I am very far from conceiving myself qualified to determine; but surely it will be very little hindered by the dismission of troops, whose allegiance obliges them not to fight against the emperour, and of whom, therefore, it does not easily appear how they can be very useful allies to the queen of Hungary.

But whatever service is expected from them, it may surely, my lords, be performed by the same number of British troops; and that number may be sent to supply their place, without either delay or difficulty; I will venture to say, without any hazard. If it be objected, as it has often been, that by sending out our troops, we shall leave our country naked to invasion, I hope I may be allowed to ask, who will invade us? The French are well known to be the only people whom we can suspect of any such design. They have no fleet on this side of their kingdom, and their ships in the Mediterranean are blocked up in the harbour by the navies of Britain. We shall still have at home a body of seven thousand men, which was thought a sufficient security in the late war, when the French had a fleet equal to our own. Why we should now be in more danger from without, I cannot discover; and with regard to intestine commotions, they will be prevented by compliance with the present motion. For nothing can incite the people of Britain to oppose those who have openly dismissed the troops of Hanover.

But, my lords, I am not yet at all convinced, that the end for which those troops are said to be hired, ought to be pursued, or can be attained by us; and if the end be in itself improper or impossible, it certainly follows, that the means ought to be laid aside.

If we consider the present state of the continent, we shall find no prospect by which we can be encouraged to hazard our forces or our money. The king of Sardinia has, indeed, declared for us, and opposed the passage of the Spaniards; but he appears either to be deficient in courage, or in prudence, or in force; for instead of giving battle on his frontiers, he has suffered them, with very little resistance, to invade his territories, to plunder and insult his subjects, and to live at his expense; and it may be suspected, that if he cannot drive them out of his country, he will in time be content to purchase their departure, by granting them a passage through it, and rather give up the dominions of his ally to be ravaged, than preserve them at the expense of his own.

If we turn our eyes towards the Dutch, we shall not be more encouraged to engage in the wars on the continent; for whatever has been asserted of their readiness to proceed in conjunction with us, they appear hitherto to behold, with the most supine tranquillity, the subversion of the German system, and to be satisfied with an undisturbed enjoyment of their riches and their trade. Nor is there any appearance, my lords, that their concurrence is withheld only by a single town, as has been insinuated; for the vote of any single town, except Amsterdam, may be overruled, and the resolution has passed the necessary form, when it is opposed by only one voice.

If we take a view, my lords, of their late conduct, without suffering our desires to mislead our understandings, we shall find no reason for imagining, that they propose any sudden alteration of their conduct, which has been hitherto consistent and steady, and appears to arise from established principles, which nothing has lately happened to incline them to forsake.

When they were solicited to become, like us, the gua-

rantees of Hanover, they made no scruple of returning, with whatever unpoliteness, an absolute refusal; nor could they be prevailed upon to grant, what we appear to think that we were honoured in being admitted to bestow. When they were called upon to fulfil their stipulation, and support the Pragmatick sanction, they evaded their own contract, till all assistance would have been too late, had not a lucky discovery of the French perfidy separated the king of Prussia from them; and what reason, my lords, can be given, why they should now do what they refused, when it might have been much more safely and more easily effected? Did they suffer the queen of Hungary to be oppressed, only to show their own power and affluence by relieving her? or can it be imagined, that pity has prevailed over policy or cowardice? They, who in contempt of their own treaties refused to engage in a cause while it was yet doubtful, will certainly think themselves justified in abandoning it when it is lost, and will urge, that no treaty can oblige them to ac tlike madmen, or to undertake impossibilities.

I am, therefore, convinced, my lords, that they will not enter into an offensive treaty, and that they have only engaged to do what their own interest required from them, without any new stipulation, to preserve their own country from invasion by sending garrisons into the frontier towns, which they may do without any offence to France, or any interruption of their own tranquillity.

Many other treaties have been mentioned, my lords, and mentioned with great ostentation, as the effects of consummate policy, which will, I suspect, appear to be at least only defensive treaties, by which the contracting powers promise little more than to take care of themselves.

In this state of the world, my lords, when all the powers of the continent appear benumbed by a lethargy, or shackled by a panick, to what purpose should we lavish, in hiring and transporting troops, that wealth which contests of nearer importance immediately require?

It is well known to our merchants, whose ships are every day seized by privateers, that we are at war with Spain,

and that our commerce is every day impaired by the depredations of an enemy, whom only our own negligence enables to resist us; but I doubt, my lords, whether it is known in Spain, that their monarch is at war with Britain, otherwise than by the riches of our nation, which are distributed among their privateers, and the prisoners who in the towns on the coast are wandering in the streets. For I know no inconvenience which they can be supposed to feel from our hostilities, nor in what part of the world the war against them is carried on. Before the war was declared, it is well remembered by whom, and with how great vehemence, it was every day repeated, that to end the war with honour we ought to *take and hold.* What, my lords, do we *hold,* or what have we *taken?* What has the war produced in its whole course from one year to another, but defeats, losses, and ignominy? And how shall we regain our honour, or retrieve our wealth, by engaging in another war more dangerous but less necessary? We ought surely to humble Spain, before we presume to attack France; and we may attack France with better prospects of success, when we have no other enemy to divert our attention, or divide our forces.

That we ought, indeed, to make any attempt upon France, I am far from being convinced, because I do not now discover, that any of the motives subsist which engaged us in the last confederacy. The house of Austria, though overborne and distressed, was then powerful in itself, and possessed of the imperial crown. It is now reduced almost below the hopes of recovery, and we are therefore now to restore what we were then only to support. But what, my lords, is in my opinion much more to be considered, the nation was then unanimous in one general resolution to repress the insolence of France; no hardships were insupportable that conduced to this great end, nor any taxes grievous that were applied to the support of the war. The account of a victory was esteemed as an equivalent to excises and to publick debts; and the possessions of us and our posterity were cheerfully mortgaged to purchase a triumph over the common enemy. But, my lords, the disposition of the

nation with regard to the present war is very different. They discover no danger threatening them, they are neither invaded in their possessions by the armies, nor interrupted in their commerce by the fleets of France; and therefore they are not able to find out why they must be sacrificed to an enemy, by whom they have been long pursued with the most implacable hatred, for the sake of attacking a power from which they have hitherto felt no injury, and which they believe cannot be provoked without danger, nor opposed without such a profusion of expense as the publick is at present not able to bear.

It is not to be supposed, my lords, that the bulk of the British people are affected with the distresses, or inflamed by the magnanimity of the queen of Hungary. This illustrious daughter of Austria, whose name has been so often echoed in these walls, and of whom I am far from denying, that she deserves our admiration, our compassion, and all the assistance which can be given her, consistently with the regard due to the safety of our own country, is to the greatest part of the people an imaginary princess, whose sufferings or whose virtues make no other impression upon them, than those which are recorded in fictitious narratives; nor can they easily be persuaded to give up for her relief the produce of their lands, or the profits of their commerce.

Some, indeed, there are, my lords, whose views are more extensive, and whose sentiments are more exalted; for it is not to be supposed, that either knowledge or generosity are confined to the senate or the court: but these, my lords, though they perhaps may more readily approve the end which the ministry pretends to pursue, are less satisfied with the means by which they endeavour to attain it. By these men it is easily discovered, that the hopes which some so confidently express of prevailing upon the Dutch to unite with us for the support of the Pragmatick sanction, are without foundation; they see that their consent to place garrisons in the frontier towns, however it may furnish a subject of exultation to those whose interest it is to represent them as ready to concur with us, is only a new proof of what was never doubted, their unvariable

attention to their own interest, since they must for their own security preserve their own barrier from being seized by France. By this act they incur no new expense, they provoke no enemies, nor give any assistance to the queen of Hungary, by which they can raise either resentment in one part, or gratitude in the other; and therefore it is not hard to perceive that, whatever is pretended, the Dutch hitherto observe the most exact laws of neutrality; and it is too evident, that if they refuse their assistance, we have very little to hope from a war with France.

Nor is this the only objection against the present measures; for it is generally, and not without sufficient reason suspected, that the real assistance of the queen of Hungary is not intended, since the troops which have been hired under that pretence, are such as cannot march against the emperour. It is known, that the Hessians have absolutely refused to infringe the constitution of the German body, by attacking him who is by a legal grant acknowledged its head; nor is it easy to conceive, why there should be a different law for Hanover than for the other electorates.

The long stay of the troops in Flanders, a place where there is no enemy to encounter, nor ally to assist, is a sufficient proof that there is nothing more designed than that the troops of Hanover shall loiter on the verge of war, and receive their pay for feasting in their quarters, and showing their arms at a review; and that they in reality design nothing but to return home with full pockets, and enjoy the spoils of Britain.

There may, indeed, be another reason, my lords, which hinders the progress of the united forces, and by which the Britons and Hanoverians may be both affected, though not both in the same degree. It is by no means unlikely, that the king of Prussia has forbidden them to advance, and declared, that the king who was chosen by his suffrage shall be supported by his arms; if this be his resolution, he is well known to want neither spirit nor strength to avow and support it; and there are reasons sufficient to convince us, that he has declared it, and that our troops are now patiently waiting the event of a negotiation by

which we are endeavouring to persuade him to alter his design, if, indeed, it be desired that he should alter it; for it is not certain, that the elector of Hanover can desire the restoration of the house of Austria to an hereditary enjoyment of the imperial dignity; nor can it easily be shown why the politicks of one house, should differ from those of all the other princes of the German empire.

The other princes, my lords, have long wished for a king with whom théy might treat upon the level; a king who might owe his dignity only to their votes, and who, therefore, would be willing to favour them in gratitude for the benefit. They know, that the princes of the house of Austria considered their advancement to the empire as the consequence of their numerous forces and large dominions, and made use of their exaltation only to tyrannise under the appearance of legal right, and to oppress those as sovereigns, whom they would otherwise have harassed as conquerors.

Before we can, therefore, hope for the concurrence of the princes of the empire, we must inform them of our design, if any design has been yet laid out. Is it your intention to restore the house of Austria to the full enjoyment of its former greatness? This will certainly be openly opposed by all those powers who are strong enough to make head against it, and secretly obstructed by those, whose weakness makes them afraid of publick declarations. Do you intend to support the Pragmatick sanction? This can only be done by defeating the whole power of France; and for this you must necessarily provide troops who shall dare to act against the present king. So that it appears, my lords, that we are attempting nothing, or attempting impossibilities; that either we have no end in view, or that we have made use of an absurd choice of means by which it cannot be attained.

Whatever be our design with regard to Germany, the war against Spain is evidently neglected; and, indeed, one part of our conduct proves at once, that we intend neither to assist the Austrians, nor to punish the Spaniards; since we have in a great measure disabled ourselves from either

by the neutrality which captain Martin is said to have granted, and by which we have allowed an asylum both to the troops of Spain, which shall fly before the Austrians, and the privateers which shall be chased by our ships in the Mediterranean.

I am, therefore, convinced, my lords, that our designs are not such as they are represented, or that they will not be accomplished by the measures taken. I am convinced in a particular manner, that the troops of Hanover can be of no use, and that they will raise the resentment of the nation, already overwhelmed with unnecessary burdens. I know, likewise, that they have been taken into pay without the consent of the senate, and am convinced, that if no other objection could be raised, we ought not to ratify a treaty which the crown has made, without laying it before us in the usual manner. I need not, therefore, inform your lordships, that I think the motion now under your consideration necessary and just; and that I hope, upon an attentive examination of the reasons which have been offered, your lordships will concur in it with that unanimity which evidence ought to enforce, and that zeal which ought to be excited by publick danger.

To which the duke of NEWCASTLE made answer to the following purport:—My lords, I know not by what imaginary appearances of publick danger the noble lord is so much alarmed, nor what fears they are which he endeavours with so much art and zeal to communicate to this assembly. For my part, I can upon the most attentive survey of our affairs, discover nothing to be feared but calumnies and misrepresentations; and these I shall henceforward think more formidable, since they have been able to impose upon an understanding so penetrating as that of his lordship, and have prevailed upon him to believe what is not only false, but without the appearance of truth, and to believe it so firmly, as to assert it to your lordships.

One of the facts which he has thus implicitly received, and thus publickly mentioned, is the neutrality supposed to have been granted to the king of Sicily, from which he has amused himself and your lordships with deducing very de-

structive consequences, that perhaps need not to be allowed him, even upon supposition of the neutrality; but which need not now be disputed, because no neutrality has been granted. Captain Martin, when he treated with the king, very cautiously declined any declarations of the intentions of the British court on that particular, and confined himself to the subject of his message, without giving any reason for hope, or despair of a neutrality. So that if it shall be thought necessary, we are this hour at liberty to declare war against the king of Sicily, and may pursue the Spaniards with the same freedom on his coasts as on those of any other power, and prohibit any assistance from being given by him to their armies in Italy.

His lordship's notion of the interposition of the king of Prussia in the king's favour, is another phantom raised by calumny to terrify credulity; a phantom which will, I hope, be entirely dissipated, when I have informed the house, that the whole suspicion is without foundation, and that the king of Prussia has made no declaration of any design to support the king, or of opposing us in the performance of our treaties. This prince, my lords, however powerful, active, or ambitious, appears to be satisfied with his acquisitions, and willing to rest in an inoffensive neutrality.

Such, my lords, and so remote from truth are the representations which the enemies of the government have with great zeal and industry scattered over the nation, and by which they have endeavoured to obviate those schemes which they would seem to favour; for by sinking the nation to a despair of attaining those ends which they declare at the same time necessary not only to our happiness, but to our preservation, what do they less than tell us, that we must be content to look unactive on the calamities that approach us, and prepare to be crushed by that ruin which we cannot prevent?

From this cold dejection, my lords, arises that despair which so many lords have expressed, of prevailing upon the Dutch to unite with us. The determinations of that people are, indeed, always slow, and the reason of their slowness has been already given; but I am informed, that the ge-

neral spirit which now reigns among them, is likely soon to overrule the particular interests of single provinces, and can produce letters by which it will appear, that had only one town opposed those measures to which their concurrence is now solicited, it had been long since overruled; for there want not among them men equally enamoured of the magnanimity and firmness of the queen of Hungary, equally zealous for the general good of mankind, equally zealous for the liberties of Europe, and equally convinced of the perfidy, the ambition, and the insolence of France, with any lord in this assembly.

These men, my lords, have long endeavoured to rouse their country from the sloth of avarice, and the slumber of tranquillity, to a generous and extensive regard for the universal happiness of mankind; and are now labouring in the general assembly to communicate that ardour with which they are themselves inflamed, and to excite that zeal for publick faith, of which their superiour knowledge shows them the necessity.

It has been, indeed, insinuated, that all their consultations tend only to place garrisons in those towns from which the queen of Hungary has withdrawn her forces; but this supposition, my lords, as it is without any support from facts, is, likewise, without probability. For to garrison the barrier towns requires no previous debates nor deliberations; since it never was opposed even by those by whom the assistance of the queen of Hungary has been most retarded. Nor have even the deputies of Dort, whose obstinacy has been most remarkable, denied the necessity of securing the confines of their country, by possessing with their own troops those places which the Austrians are obliged to forsake. Their present disputes, my lords, must be, therefore, on some other question; and what question can be now before them which can produce any difficulties, but that which regards the support of the Pragmatick sanction?

If these deliberations should be so far influenced by the arrival of the army in the pay of Britain, as to end in a resolution to send a sufficient number of forces into Germany, it will not be denied, that the troops which give occa-

sion for this debate, have really been useful to the common cause; nor will his majesty lose the affections of any of his subjects, by the false accounts which have been spread of an invidious preference given to the troops of Hanover.

That every government ought to endeavour to gain the esteem and confidence of the people, I suppose we are all equally convinced; but I, for my part, am very far from thinking that measures ought only to be pursued or rejected, as they are immediately favoured or disliked by the populace. For as they cannot know either the causes or the end of publick transactions, they can judge only from fallacious appearances, or the information of those whose interest it may perhaps be to lead them away from the truth. That monarch will be most certainly and most permanently popular, who steadily pursues the good of his people, even in opposition to their own prejudices and clamours; who disregards calumnies, which, though they may prevail for a day, time will sufficiently confute, and slights objections which he knows may be answered, and answered beyond reply.

Such, my lords, are the objections which have been hitherto raised against the troops of Hanover, of which many arise from ignorance, and many from prejudice; and some may be supposed to be made only for the sake of giving way to invectives, and indulging a petulant inclination of speaking contemptuously of Hanover.

With this view, my lords, it has been asked, why the Hanoverians are preferred to all other nations? why they have been selected from all other troops, to fight, against France, the cause of Europe? They were chosen, my lords, because they were most easily to be procured. Of the other nations from whom forces have usually been hired, some were engaged in the care of protecting, or the design of extending their own dominions, and others had no troops levied, nor could, therefore, furnish them with speed enough for the exigence that demanded them.

It has been asked with an air of triumph, as a question to which no answer could be given, why an equal number of Britons was not sent, since their valour might be esteemed at least equal to that of Hanoverians? I am far, my lords,

from intending to diminish the reputation of the British courage, or detract from that praise which has been gained by such gallant enterprises, and preserved by a long succession of dangers, and of victories; nor do I expect that any nation will ever form a just claim to superiority. The reason, therefore, my lords, for which the troops of Hanover were hired, was not that the bravery of our countrymen was doubted, but that the transportation of such numbers might leave us naked to the insults of an enemy. For though the noble lord has declared, that after having sent sixteen thousand into Flanders, we should still have reserved for our defence a body of seven thousand, equal to that to which the protection of this kingdom was intrusted in the late war, his opinion will upon examination be found to have arisen only from the enumeration of the names of our regiments, many of which are far from being complete, and some almost merely nominal; so that, perhaps, if a body of sixteen thousand more had been sent, there would not have remained a single regiment to have repelled the crew of any daring privateer that should have landed to burn our villages, and ravage the defenceless country.

It was desired, my lords, by the queen of Hungary, that a British army might appear on the continent in her favour, for she knew the reputation and terrour of our arms; and as her demand was equitable in itself, and honourable to the nation, it was complied with; and as many of our native troops were sent, as it was thought convenient to spare, the rest were necessarily to be hired; and it is the business of those lords who defend the motion, to show from whence they could be called more properly than from Hanover.

It has been urged with great warmth, that the contract made for these troops has not been laid before the senate, a charge which the noble lord who spoke last but one, has shown to be ill grounded; because the former determinations of the senate enabled the crown to garrison the frontier towns without any new deliberations, but which may be, perhaps, more satisfactorily confuted by showing, that it is an accusation of neglecting that which was in reality not possible to be performed, or which at least could not be

performed without subjecting the government to imputations yet more dangerous than those which it now suffers.

The accounts, my lords, by which the ministry were determined to send the army into Flanders, arrived only fifteen days before the recess of the senate; nor was the resolution formed, as it may easily be imagined, till several days after; so that there was very little time for senatorial deliberations, nor was it, perhaps, convenient to publish at that time the whole scheme of our designs.

But let us suppose, my lords, that the senate had, a few days before they rose, been consulted, and that a vote of credit had been required to enable the crown to hire forces during the interval of the sessions, what would those by whom this motion is supported have urged against it? Would they not with great appearance of reason have alleged the impropriety of such an application to the thin remains of a senate, from which almost all those had retired, whom their employments did not retain in the neighbourhood of the court? Would it not have been echoed from one corner of these kingdoms to another, that the ministry had betrayed their country by a contract which they durst not lay before a full senate, and of which they would trust the examination only to those whom they had hired to approve it. Would not this have been generally asserted, and generally believed? Would not those who distinguished themselves as the opponents of the court, have urged, that the king ought to exert his prerogative, and trust the equity of the senate for the approbation of his measures, and the payment of the troops which he had retained for the support of the common cause, the cause for which so much zeal had been expressed, and for which it could not with justice be suspected, that any reasonable demands would be denied? Would not the solicitation of a grant of power without limits, to be exerted wholly at the discretion of the ministry, be censured as a precedent of the utmost danger, which it was the business of every man to oppose, who had not lost all regard to the constitution of his country?

These insinuations, my lords, were foreseen and allowed

by the ministry to be specious, and, therefore, they determined to avoid them by pursuing their schemes at their own hazard, without any other security than the consciousness of the rectitude of their own designs; and to trust to the equity of the senate when they should be laid before them, at a time when part of their effects might be discovered, and when, therefore, no false representations could be used to mislead their judgment. They knew the zeal of the commons for the great cause of universal liberty; they knew that their measures had no other tendency than the promotion of that cause, and, therefore, they confidently formed those expectations which have not deceived them, that the pay of the troops would be readily granted, and ordered them, therefore, to march; though if the commons had disapproved their plan, they must have returned into their own country, or have been supported at the expense of the electorate.

The objections raised against these troops, have apparently had no influence in the other house, because supplies have been granted for their pay; and I believe they will, upon examination, be found by your lordships not to deserve much regard.

It is asserted, that they cannot act against the emperour, established and acknowledged by the diet, without subjecting their country to an interdict; and it was, therefore, suspected, that they would in reality be of no use. This suspicion, my lords, I suppose, it is now not necessary to censure, since you have heard from his majesty, that they are preparing to march; and as the consequences of their conduct can only affect the electorate, its propriety or legality with regard to the constitution of the empire, falls not properly under our consideration.

How his majesty's measures may be defended, even in this view, I suppose I need not inform any of this assembly. It is well known, that the emperour was chosen not by the free consent of the diet, in which every elector voted according to his own sense, but by a diet in which one vote of the empire was suspended without any regard to law or justice, and in which the rest were extorted by a French

army, which threatened immediate ruin to him who should refuse his consent. The emperour thus chosen, was likewise afterwards recognised by the same powers, upon the same motives, and the aid was granted as the votes were given by the influence of the armies of France.

For this reason, my lords, the queen of Hungary still refuses to give the elector of Bavaria the style and honours which belong to the imperial dignity; she considers the throne as still vacant, and requires that it should be filled by an uninfluenced election.

It has been observed, my lords, that his majesty gave his vote to the elector of Bavaria; and it has been, therefore, represented as an inconsistency in his conduct, that he should make war against him. But, my lords, it will by no means follow, that because he voted for him he thinks him lawfully elected, nor that it is unjust to dispossess him; though it is to be observed, that we are not making war to dethrone the emperour, however elected, but to support the Pragmatick sanction.

This observation, though somewhat foreign from the present debate, I have thought it not improper to lay before your lordships, that no scruples might remain in the most delicate and scrupulous, and to show that the measures of his majesty cannot be justly charged with inconsistency.

But this, my lords, is not the only, nor the greatest benefit which the queen of Hungary has received from these troops; for it is highly probable, that the states will be induced to concur in the common cause, when they find that they are not incited to a mock confederacy, when they perceive that we really intend to act vigorously, that we decline neither expense nor danger, and that a compliance with our demands will not expose them to stand alone and unassisted against the power of France, elated by success, and exasperated by opposition.

If this, my lords, should be the consequence of our measures, and this consequence is, perhaps, not far distant, it will no longer be, I hope, asserted, that these mercenaries are an useless burden to the nation, that they are of

no advantage to the common cause, or that the people have been betrayed by the ministry into expenses, merely that Hanover might be enriched. When the grand *confederacy* is once revived, and revived by any universal conviction of the destructive measures, the insatiable ambition, and the outrageous cruelty of the French, what may not the friends of liberty presume to expect? May they not hope, my lords, that those haughty troops which have been so long employed in conquests and invasions, that have laid waste the neighbouring countries with slaughters and devastations, will be soon compelled to retire to their own frontiers, and be content to guard the verge of their native provinces? May we not hope, that they will soon be driven from their posts; that they will be forced to retreat to a more defensible station, and admit the armies of their enemies into their dominions; and that they will be pursued from fortress to fortress, and from one intrenchment to another, till they shall be reduced to petition for peace, and purchase it by the alienation of part of their territories.

I hope, my lords, it may be yet safely asserted that the French, however powerful, are not invincible; that their armies may be destroyed, and their treasures exhausted; that they may, therefore, be reduced to narrow limits, and disabled from being any longer the disturbers of the peace of the universe.

It is well known, my lords, that their wealth is not the product of their own country; that gold is not dug out of their mountains, or rolled down their rivers; but that it is gained by an extensive and successful commerce, carried on in many parts of the world, to the diminution of our own. It is known, likewise, that trade cannot be continued in war, without the protection of naval armaments; and that our fleet is at present superiour in strength to those of the greatest part of the universe united. It is, therefore, reasonably to be hoped, that though by assisting the house of Austria we should provoke the French to declare war against us, their hostilities would produce none of those calamities which seem to be dreaded by part of this assembly; and that such a confederacy might be formed as

would be able to retort all the machinations of France upon herself, as would tear her provinces from her, and annex them to other sovereignties.

It has been urged, that no such success can be expected from the conduct which we have lately pursued; that we, who are thus daring the resentment of the most formidable power in the universe, have long suffered ourselves to be insulted by an enemy of far inferiour force; that we have been defeated in all our enterprises, and have at present appeared to desist from any design of hostilities; that the Spaniards scarcely perceive that they have an enemy, or feel any of the calamities or inconveniencies of war; and that they are every day enriched with the plunder of Britain, without danger, and without labour.

That the war against Spain has not hitherto been remarkably successful, must be confessed; and though the Spaniards cannot boast of any other advantages than the defence of their own dominions, yet they may, perhaps, be somewhat elated, as they have been able to hold out against an enemy superiour to themselves. But, my lords, I am far from believing, that they consider the war against us as an advantage, or that they do not lament it as one of the heaviest calamities that could fall upon them. If it be asked, in what part of their dominions they feel any effects of our hostility, I shall answer with great confidence, that they feel them in every part which is exposed to the evils of a naval war; that they are in pain wherever they are sensible; that they are wounded wherever they are not sheltered from our blows, by the interposition of the nations of the continent.

If we examine, my lords, the influence of our European armaments, we shall find that their ships of war are shut up in the harbour of France, and that the fleets of both nations are happily blocked up together, so that they can neither extricate each other by concerted motions, in which our attention might be distracted, and our force divided, nor by their united force break through the bars by which they are shut up from the use of the ocean.

But this, my lords, however important with respect to

us, is perhaps the smallest inconvenience which the Spaniards feel from our naval superiority. They have an army, my lords, in Italy, exposed to all the miseries of famine, while our fleet prohibits the transportation of those provisions which have been stored in vessels for their supply, and which must be probably soon made defenceless by the want of ammunition, and fall into the hands of their enemies without the honour of a battle.

But what to the pride of a Spaniard must be yet a more severe affliction, they have on the same continent a natural confederate, who is yet so intimidated by the British fleets, that he dares neither afford them refuge in his dominions, nor send his troops to their assistance. The queen, amidst all the schemes which her unbounded ambition forms for the exaltation of her family, finds her own son, after having received a kingdom from her kindness, restrained from supporting her, and reduced to preserve those territories which she has bestowed upon him, by abandoning her from whom he received them.

These, my lords, are the inconveniencies which the Spaniards feel from our fleets in the Mediterranean; and even these, however embarrassing, however depressing, are lighter than those which our American navy produces. It is apparent, that money is equivalent to strength, a proposition of which, if it could be doubted, the Spanish monarchy would afford sufficient proof, as it has been for a long time supported only by the power of riches. It is, therefore, impossible to weaken Spain more speedily or more certainly, than by intercepting or obstructing the annual supplies of gold and silver which she receives from her American provinces, by which she was once enabled to threaten slavery to all the neighbouring nations, and incited to begin, with the subjection of this island, her mighty scheme of universal monarchy, and by which she has still continued to exalt herself to an equality with the most powerful nations, to erect new kingdoms, and set at defiance the Austrian power.

These supplies, my lords, are now, if not wholly, yet in a great measure, withheld; and by all the efforts which the

Spaniards now make, they are exhausting their vitals, and wasting the natural strength of their native country. While they made war with adventitious treasures, and only squandered one year what another would repay them, it was not easy to foresee how long their pride would incline them to hold out against superiour strength. While they were only engaged in a naval war, they might have persisted for a long time in a kind of passive obstinacy; and while they were engaged in no foreign enterprises, might have supported that trade with each other which is necessary for the support of life, upon the credit of those treasures which are annually heaped up in their storehouses, though they are not received; and by which, upon the termination of the war, all their debts might at once be paid, and all their funds be reestablished.

But at present, my lords, their condition is far different; they have been tempted by the prospect of enlarging their dominions to raise armies for distant expeditions, which must be supported in a foreign country, and can be supported only by regular remittances of treasure, and have formed these projects at a time when the means of pursuing them are cut off. They have by one war increased their expenses, when their receipts are obstructed by another.

In this state, my lords, I am certain the Spaniards are very far from thinking the hostility of Britain merely nominal, and from inquiring in what part of the world their enemies are to be found. The troops in Italy see them sailing in triumph over the Mediterranean, intercepting their provisions, and prohibiting those succours which they expected from their confederate of Sicily. In Spain their taxes and their poverty, poverty which every day increases, inform them that the seas of America are possessed by the fleets of Britain, by whom their mines are made useless, and their wealthy dominions reduced to an empty sound.

They may, indeed, comfort themselves in their distresses with the advantages which their troops have gained over the king of Sardinia, and with the entrance which they have forced into his dominions; but this can afford them no long satisfaction, since they will, probably,

never be able to break through the passes at which they have arrived, or to force their way into Italy; and must perish at the feet of inaccessible rocks, where they are now supported at such an expense that they are more burdensome to their own master than to the king of Sardinia.

Of this prince, I know not why, it has been asserted that he will probably violate his engagements to Britain and Austria; that he will purchase peace by perfidy, and grant a passage to the army of Spain. His conduct has certainly given, hitherto, no reason for such an imputation; he has opposed them with fortitude, and vigour, and address; nor has he failed in any of the duties required of a general or an ally; he has exposed his person to the most urgent dangers, and his dominions to the ravages of war; he has rejected all the solicitations of France, and set her menaces at defiance; and surely, my lords, if no private man ought to be censured without just reason, even in familiar discourse, we ought still to be more cautious of injuring the reputation of princes by publick reproaches in the solemn debates of national assemblies.

The same licentiousness of speech has not, indeed, been extended to all the princes mentioned in this debate. The emperour has been treated with remarkable decency as the lawful sovereign of Germany, as one who cannot be opposed without rebellion, and against whom we, therefore, cannot expect that the troops of Hanover should presume to act, since they must expose their country to the severities of the imperial interdict.

The noble lords who have thus ardently asserted the rights of the emperour, who have represented in such strong language the crime of violating the German constitutions, and have commended the neutrality of the king of Prussia, as proper to be imitated by all the rest of the princes of the empire, have forgotten, or hoped that others would forget, the injustice and violence by which he exalted himself to the throne, from which they appear to think it a sacrilegious attempt to endeavour to thrust him down. They forget that one of the votes was illegally suspended,

and that the rest were extorted by the terrour of an army. They forget that he invited the French into the empire, and that he is guilty of all the ravages which have been committed and all the blood that has been shed, since the death of the emperour, in the defence of the Pragmatick sanction which he invaded, though ratified by the solemn consent of the imperial diet.

In defence of the Pragmatick sanction, my lords, which all the princes of the empire, except his majesty, saw violated without concern, are we now required to exert our force; we are required only to perform what we promised by the most solemn treaties, which, though they have been broken by the cowardice or ambition of other powers, it will be our greatest honour to observe with exemplary fidelity.

With this view, as your lordships have already been informed, the Hanoverian troops will march into the empire; nor has their march been hitherto delayed, either because there was yet no regular scheme projected, or because they were obliged to wait for the permission of the king of Prussia, or because they intended only to amuse Europe with an empty show: they were detained, my lords, in Flanders, because it was believed that they were more useful there than they would be in any other place, because they at once encouraged the states, alarmed the French, defended the Low Countries, and kept the communication open between the queen's dominions and those of her allies. Nor were these advantages, my lords, chimerical, and such as are only suggested by a warm imagination; for it is evident that by keeping their station in those countries they have changed the state of the war, that they have protected the queen of Hungary from being oppressed by a new army of French, and given her an opportunity of establishing herself in the possession of Bavaria; that the French forces, instead of being sent either to the assistance of the king of Spain against the king of Sardinia, or of the emperour, for the recovery of those dominions which he has lost by an implicit confidence in their alliance, have been necessarily drawn down to the opposite extremity of their dominions, where they are of no use either to

their own country, or to their confederates. The united troops of Britain and Hanover, therefore, carried on the war, by living at ease in their quarters in Flanders, more efficaciously than if they had marched immediately into Bavaria or Bohemia.

Thus, my lords, I have endeavoured to show the justice of our designs, and the usefulness of the measures by which we have endeavoured to execute them; and doubt not but your lordships will, upon considering the arguments which have been urged on either side, and those which your own reflections will suggest, allow that it was not only just but necessary to take into our pay the troops of Hanover, for the support of the Pragmatick sanction, and the preservation of the house of Austria; and that since the same reasons which induced the government to hire them, still make it necessary to retain them, you will prefer the general happiness of Europe, the observation of publick faith, and the security of our own liberties and those of our posterity, to a small alleviation of our present expenses, and unanimously reject a motion, which has no other tendency than to resign the world into the hands of the French, and purchase a short and dependant tranquillity by the loss of all those blessings which make life desirable.

Lord LONSDALE spoke next to the following effect:—
My lords, notwithstanding the confidence with which the late measures of the government have been defended by their authors, I am not yet set free from the scruples which my own observations had raised, and which have been strengthened by the assertions of those noble lords, who have spoken in vindication of the motion.

Many of the objections which have been raised and enforced with all the power of argument, have yet remained unanswered, or those answers which have been offered are such as leave the argument in its full strength. Many of the assertions which have been produced seem the effects of hope rather than conviction, and we are rather told what we are to hope from future measures, than what advantages we have received from the past.

I am, indeed, one of those whom it will be difficult to convince of the propriety of engaging in a new war, when we are unsuccessful in that which we have already undertaken, and of provoking a more powerful enemy, when all our attempts are baffled by a weaker; and cannot yet set myself free from the apprehension of new defeats and new disgraces from the arms of France, after having long seen how little we are able to punish the insolence of Spain. I cannot but fear that by an ill-timed and useless opposition to schemes which, however destructive or unjust, we cannot obviate, we shall subject ourselves to numberless calamities, that the ocean will be covered with new fleets of privateers, that our commerce will be interrupted in every part of the world, and that we shall only provoke France to seize what she would at least have spared some time longer.

But, my lords, if it be granted, that the Pragmatick sanction is obligatory to us, though it is violated by every other power; that we should labour to reduce the powers of Europe to an equipoise, whenever accident or folly produces any alteration of the balance; and that we are now not to preserve the house of Austria from falling, but raise it from the dust, and restore it to its ancient splendour, even at the hazard of a war with that power which now gives laws to all the western nations; yet it will not surely be asserted, that we ought to be without limits, that we ought to preserve the house of Austria, not only by the danger of our own country, but by its certain ruin, and endeavour to avert the possibility of slavery, by subjecting ourselves to miseries more severe than the utmost arrogance of conquest, or the most cruel wantonness of tyranny, would inflict upon us.

I have observed, that many lords have expressed in this debate an uncommon ardour for the support of the queen of Hungary; nor is it without pleasure, that I see the most laudable of all motives, justice and compassion, operate in this great assembly with so much force. May your lordships always continue to stand the great advocates for publick faith, and the patrons of true greatness in distress; may

magnanimity always gain your regard, and calamity find shelter under your protection.

I, likewise, my lords, desire to be remembered among those who reverence the virtues and pity the miseries of this illustrious princess, who look with detestation on those who have invaded the dominions which they had obliged themselves by solemn treaties to defend, and who have taken advantage of the general confederacy against her, to enrich themselves with her spoils, who have insulted her distress and aggravated her misfortunes.

But, my lords, while I feel all these sentiments of compassion for the queen of Hungary, I have not yet been able to forget, that my own country claims a nearer regard; that I am obliged both by interest and duty to preserve myself and my posterity, and my fellow-subjects, from those miseries which I lament; when they happen to others, however distant, I cannot but remember, that I am not to save another from destruction by destroying myself, nor to rescue Austria by the ruin of Britain.

Though I am, therefore, my lords, not unwilling to assist the queen of Hungary, I think it necessary to fix the limits of our regard, to inquire how far we may proceed with safety, and what expenses the nation can bear, and how those expenses may be best employed. The danger of the queen of Hungary ought not to have an effect which would be reproachful, even if the danger was our own. It ought not so far to engross our faculties as to hinder us from attending to every other object. The man who runs into a greater evil to avoid a less, evidently shows that he is defective either in prudence or in courage; that either he wants the natural power of distinguishing, or that his dread of an approaching, or his impatience of a present evil, has taken it away.

Let us, therefore, examine, my lords, the measures with which those who are intrusted with the administration of publick affairs, would persuade us to concur, and inquire whether they are such as can be approved by us without danger to our country. Let us consider, my lords, yet more nearly, whether they are not such as we ourselves

could not be prevailed upon even to regard as the object of deliberation, were we not dazzled on one part by glaring prospects of triumphs and honours, of the reduction of France, and the rescue of the world; of the propagation of liberty, and the defence of religion; and intimidated on the other by the view of approaching calamities, the cruelties of persecution, and the hardships of slavery.

All the arts of exaggeration, my lords, have been practised to reconcile us to the measures which are now proposed, and, indeed, all are necessary; for the expenses to which we are about to condemn this nation, are such as it is not able to bear, and to which no lord in this house would consent, were he calm enough to number the sums.

To prove the truth of this assertion, one question is necessary. Is any lord in this assembly willing to assist the queen of Hungary at the expense of sixteen hundred thousand a year? I think the universal silence of this assembly is a sufficient proof, that no one is willing; I will, however, repeat my question. Is any lord in this assembly willing that this nation should assist the queen of Hungary at the annual expense of sixteen hundred thousand pounds? The house is, as I expected, still silent, and, therefore, I may now safely proceed upon the supposition of an unanimous negative. Nor does any thing remain in order to evince the impropriety of the measures which we are about to pursue, but that every lord may reckon up the sum required for the support of those troops. Let him take a view of our military estimates, and he will quickly be convinced, how much we are condemned to suffer in this cause. He will find, that we are about not only to remit yearly into a foreign country more than a million and a half of money, but to hazard the lives of multitudes of our fellow-subjects, in a quarrel which at most affects us but remotely; that we are about to incur as auxiliaries an expense greater than that which the principals sustain.

The sum which I have mentioned, my lords, enormous as it may appear, is by no means exaggerated beyond the truth. Whoever shall examine the common military estimates, will easily be convinced, that the forces which we

now maintain upon the continent cannot be supported at less expense; and that we are, therefore, about to exhaust our country in a distant quarrel, and to lavish our blood and treasure with useless profusion.

This profusion, my lords, is useless, at least useless to any other end, than an ostentatious display of our forces, and our riches; not because the balance of power is irrecoverably destroyed, not because it is contrary to the natural interest of an island to engage in wars on the continent, nor because we shall lose more by the diminution of our commerce, than we shall gain by an annual victory. It is useless, not because the power of France has by long negligence been suffered to swell beyond all opposition, nor because the queen of Hungary ought not to be assisted at the hazard of this kingdom, though all these reasons are of importance enough to claim our consideration. It is useless, my lords, because the queen of Hungary may be assisted more powerfully, at less charge; because a third part of this sum will enable her to raise, and to maintain, a greater body of men than have now been sent her.

Nor will the troops which she may be thus enabled to raise, my lords, be only more numerous, but more likely to prosecute the war with ardour; and to conclude it, therefore, with success. They will fight for the preservation of their own country, they will draw their swords to defend their houses and their estates, their wives and their children from the rage of tyrants and invaders; they will enter the field as men who cannot leave it to their enemies without resigning all that makes life valuable; and who will, therefore, more willingly die than turn their backs.

It may reasonably be imagined, my lords, that the queen will place more confidence in such forces, than in troops which are to fight only for honour or for pay; and that she will expect from the affection of her own subjects, a degree of zeal and constancy which she cannot hope to excite in foreigners; and that she will think herself more secure in the protection of those whose fidelity she may secure by the solemnity of an oath, than those who have no par-

ticular regard for her person, nor any obligations to support her government.

It is no inconsiderable motive to this method of assisting our ally, that we shall entirely take away from France all pretences of hostilities or resentment, since we shall not attack her troops or invade her frontiers, but only furnish the queen of Hungary with money, without directing her how to apply it. I am far, my lords, from being so much intimidated by the late increase of the French greatness, as to imagine, that no limits can be set to their ambition. I am far from despairing, that the queen of Hungary alone, supported by us with pecuniary assistance, may be able to reduce them to solicitations for peace by driving them out of her dominions, and pursuing them into their own. But as the chance of war is always uncertain, it is surely most prudent to choose such a conduct as may exempt us from danger in all events; and since we are not certain of conquering the French, it is, in my opinion, most eligible not to provoke them, because we cannot be conquered without ruin.

This method is yet eligible on another account; by proceeding with frugality, we shall gain time to observe the progress of the war, and watch the appearance of any favourable opportunity, without exhausting ourselves so far as to be made unable to improve them.

The time, my lords, at which we shall be thus exhausted, at which we shall be reduced to an absolute inability to raise an army or equip a fleet, is not at a great distance. If our late profusion be for a short time continued, we shall quickly have drained the last remains of the wealth of our country. We have long gone on from year to year, raising taxes and contracting debts; and unless the riches of Britain are absolutely unlimited, must in a short time reduce them to nothing. Our expenses are not all, indeed, equally destructive; some, though the method of raising them be vexatious and oppressive, do not much impoverish the nation, because they are refunded by the extravagance and luxury of those who are retained in the pay of the court; but foreign wars threaten immediate destruction,

since the money that is spent in distant countries can never fall back into its former channels, but is dissipated on the continent, and irrecoverably lost.

When this consideration is present to my mind, and, on this occasion, no man who has any regard for himself or his posterity can omit it, I cannot but think with horrour on a vote by which such prodigious sums are wafted into another region: I cannot but tremble at the sound of a tax for the support of a foreign war, and think a French army landed on our coasts not much more to be dreaded than the annual payment to which we appear now to be condemned, and from which nothing can preserve us but the address which is now proposed.

By what arguments the commons were persuaded, or by what motives incited to vote a supply for the support of this mercenary force, I have not yet heard; nor, as a member of this house, my lords, was it necessary for me to inquire. Their authority, though mentioned with so much solemnity on this occasion, is to have no influence on our determinations. If they are mistaken, it is more necessary for us to inquire with uncommon caution. If they are corrupt, it is more necessary for us to preserve our integrity. If we are to comply blindly with their decisions, our knowledge and experience are of no benefit to our country, we only waste time in useless solemnities, and may be once more declared useless to the publick.

The commons, my lords, do not imagine themselves, nor are imagined by the nation, to constitute the legislature. The people, when any uncommon heat prevails in the other house, disturbs their debates, and overrules their determinations, have been long accustomed to expect redress and security from our calmer counsels; and have considered this house as the place where reason and justice may be heard, when, by clamour and uproar, they are driven from the other. On this occasion, my lords, every Briton fixes his eye upon us, and every man who has sagacity enough to discover the dismal approach of publick poverty, now supplicates your lordships, by agreeing to this address, to preserve him from it.

Then the SPEAKER spoke to the following purport:—My lords, having very attentively observed the whole progress of this important debate, and considered with the utmost impartiality the arguments which have been made use of on each side, I cannot think the question before us doubtful or difficult; and hope that I may promote a speedy decision of it by recapitulating what has been already urged, that the debate may be considered at one view, and by adding some observations which have arisen to my own thoughts on this occasion.

At the first view of the question before us, in its present state, no man can find any reasons for prejudice in favour of the address proposed. This house is, indeed, yet divided, and many lords have spoken on each side with great force and with great address; but the authority of the other house, added to the numbers which have already declared in this for the support of the foreign troops, is sufficient to turn the balance, in the opinion of any man who contents himself to judge by the first appearance of things; and must incline him to imagine that position at least more probable, which is ratified by the determination of one house, and yet undecided by the other.

I know, my lords, what may be objected to these observations on the other house, and readily agree with the noble lord, that our determinations ought not to be influenced by theirs. But on this occasion, I introduce their decision not as the decrees of legislators, but as the result of the consideration of wise men; and in this sense it may be no less reasonable to quote the determination of the commons, than to introduce the opinion of any private man whose knowledge or experience give his opinion a claim to our regard.

Nor do I mention the weight of authority on one side as sufficient to influence the private determination of any in this great assembly. It is the privilege and the duty of every man, who possesses a seat in the highest council of his country, to make use of his own eyes and his own understanding, to reject those arguments of which he cannot find the force, whatever effect they may have upon others,

and to discharge the great trust conferred upon him by consulting no conscience but his own.

Yet, though we are by no means to suffer the determinations of other men to repress our inquiries, we may certainly make use of them to assist them; we may very properly, therefore, inquire the reasons that induced the other house to approve those bills which are brought before them, since it is not likely that their consent was obtained without arguments, at least probable, though they are not to be by us considered as conclusive upon their authority. The chief advantage which the publick receives from a legislature formed of several distinct powers, is, that all laws must pass through many deliberations of assemblies independent on each other, of which, if the one be agitated by faction or distracted by divisions, it may be hoped that the other will be calm and united, and of which it can hardly be feared that they can at any time concur in measures apparently destructive to the commonwealth.

But these inquiries, my lords, however proper or necessary, are to be made by us not in solemn assemblies but in our private characters; and therefore I shall not now lay before your lordships what I have heard from those whom I have consulted for the sake of obtaining information on this important question, or shall at least not offer it as the opinion of the commons, or pretend to add to it any influence different from that of reason and truth.

The arguments which have been offered in this debate for the motion, are, indeed, such as do not make any uncommon expedients necessary; they will not drive the advocates for the late measures to seek a refuge in authority instead of reason. They require, in my opinion, only to be considered with a calm attention, and their force will immediately be at an end.

The most plausible objection, my lords, is, that the measures to which your approbation is now desired, were concerted and executed without the concurrence of the senate; and it is, therefore, urged, that they cannot now deserve our approbation, because it was not asked at the proper time.

In order to answer this objection, my lords, it is necessary to consider it more distinctly than those who made it appear to have done, that we may not suffer ourselves to confound questions real and personal, to mistake one object for another, or to be confounded by different views.

That the consent of the senate was not asked, my lords, supposing it a neglect, and a neglect of a criminal kind, of a tendency to weaken our authority, and shake the foundations of our constitution, which is the utmost that the most ardent imagination, or the most hyperbolical rhetorick can utter or suggest, may be, indeed, a just reason for invective against the ministers, but is of no force if urged against the measures. To take auxiliaries into our pay may be right, though it might be wrong to hire them without applying to the senate; as it is proper to throw water upon a fire, though it was conveyed to the place without the leave of those from whose well it was drawn, or over whose ground it was carried.

If the liberties of Europe be really in danger, if our treaties oblige us to assist the queen of Hungary against the invaders of her dominions, if the ambition of France requires to be repressed, and the powers of Germany to be animated against her by the certain prospect of a vigorous support, I cannot discover the propriety of this motion, even supposing that we have not found from the ministers all the respect that we have a right to demand. As a lawful authority may do wrong, so right may be sometimes done by an unlawful power; and surely, though usurpation ought to be punished, the benefits which have been procured by it, are not to be thrown away. We may retain the troops that have been hired, if they are useful, though we should censure the ministry for taking them into pay.

But the motion to which our concurrence is now required, is a motion by which we are to punish ourselves for the crime of the ministers, by which we are about to leave ourselves defenceless, because we have been armed without our consent, and to resign up all our rights and privileges to France, because we suspect that they have

not been sufficiently regarded on this occasion by our ministers.

Those noble lords who have dwelt with the greatest ardour on this omission, have made no proposition for censuring those whom they condemn as the authors of it, though this objection must terminate in an inquiry into their conduct, and has no real relation to the true question now before us, which is, whether the auxiliaries be of any use? If they are useless, they ought to be discharged without any other reason; if they are necessary, they ought to be retained, whatever censure may fall upon the ministry.

I am, indeed, far from thinking, that when your lordships have sufficiently examined the affair, you will think your privileges invaded, or the publick trepanned by artifice into expensive measures; since it will appear that the ministry in reality preferred the most honest to the safest methods of proceeding, and chose rather to hazard themselves, than to practice or appear to practice any fraud upon their country.

When it was resolved in council to take the troops of Hanover into the pay of Britain, a resolution which, as your lordships have already been informed, was made only a few days before the senate rose, it was natural to consider, whether the consent of the senate should not be demanded; but when it appeared upon reflection, that to bring an affair of so great importance before the last remnant of a house of commons, after far the greater part had retired to the care of their own affairs, would be suspected as fraudulent, and might give the nation reason to fear, that such measures were intended as the ministers were afraid of laying before a full senate. It was thought more proper to defer the application to the next session, and to venture upon the measures that were formed, upon a full conviction of their necessity.

This conduct, my lords, was exactly conformable to the demands of those by whom the court has hitherto been opposed, and who have signalized themselves as the most watchful guardians of liberty. Among these men, votes of credit have never been mentioned but with detestation,

as acts of implicit confidence, by which the riches of the nation are thrown down at the feet of the ministry to be squandered at pleasure. When it has been urged, that emergencies may arise, during the recess of the senate, which may produce a necessity of expenses, and that, therefore, some credit ought to be given which may enable the crown to provide against accidents, it has been answered, that the expenses which are incurred during the recess of the senate, will be either necessary or not; that if they are necessary, the ministry have no reason to distrust the approbation of the senate, but if they are useless, they ought not to expect it. And that, instead of desiring to be exempted from any subsequent censures, and to be secured in exactions or prodigality by a previous vote, they ought willingly to administer the publick affairs at their own hazard, and await the judgment of the senate, when the time shall come, in which their proceedings are laid before it.

Such have hitherto been the sentiments of the most zealous advocates for the rights of the people; nor did I expect from any man who desired to appear under that character, that he would censure the ministry for having thrown themselves upon the judgment of the senate, and neglected to secure themselves by any previous applications, for having trusted in their own integrity, and exposed their conduct to an open examination without subterfuges and without precautions. I did not imagine, my lords, that a senate, upon whose decision all the measures which have been taken, so apparently depend, would have been styled a senate convened only to register the determinations of the ministry; or that any of your lordships would think his privileges diminished, because money was not demanded before the use of it was fully known.

If we lay aside, my lords, all inquiries into precedents, and, without regard to any political considerations, examine this affair only by the light of reason, it will surely appear that the ministry could not, by any other method of proceeding, have shown equal regard to the senate, or equal confidence in their justice and their wisdom. Had

they desired a vote of credit, it might have been justly objected that they required to be trusted with the publick money, without declaring, or being able to declare, how it was to be employed; that either they questioned the wisdom or honesty of the senate; and, therefore, durst undertake nothing till they were secure of the supplies necessary for the execution of it. Had they informed both houses of their whole scheme, they might have been still charged, and charged with great appearance of justice, with having preferred their own safety to that of the publick, and having rather discovered their designs to the enemy, than trusted to the judgment of the senate; nor could any excuse have been made for a conduct so contrary to all the rules of war, but such as must have dishonoured either the ministers or the senate, such as must have implied either that the measures intended were unworthy of approbation, or that they were by no means certain, that even the best conduct would not be censured.

These objections they foresaw, and allowed to be valid; and, therefore, generously determined to pursue the end which every man was supposed to approve, by the best means which they could discover, and to refer their conduct to a full senate, in which they did not doubt but their integrity, and, perhaps, their success, would find them vindicators. Instead of applying, therefore, to the remains of the commons, a few days before the general recess; instead of assembling their friends by private intimations, at a time when most of those from whom they might have dreaded opposition, had retired, they determined to attempt, at their own hazard, whatever they judged necessary for the promotion of the common cause, and to refer their measures to the senate, when it should be again assembled.

The manner in which one of the noble lords, who have spoken in support of the address, has thought it necessary that they should have applied to us, is, indeed, somewhat extraordinary, such as is certainly without precedent, and such as is not very consistent with the constituent rights of the different powers of the legislature. His lordship

has been pleased to remark, that the crown has entered into a treaty, and to ask why that treaty was not previously laid before the senate for its approbation.

I know not, my lords, with what propriety this contract for the troops of Hanover can be termed a treaty. It is well known that no power in this kingdom can enter into a treaty with a foreign state, except the king; and it is equally certain, that, with regard to Hanover, the same right is limited to the elector. This treaty, therefore, my lords, is a treaty of the same person with himself, a treaty of which the two counterparts are to receive their ratification from being signed with the same hand. This, surely, is a treaty of a new kind, such as no national assembly has yet considered. Had any other power of Britain than its king, or in Hanover any other than the elector, the right of entering into publick engagements, a treaty might have been made; but as the constitution of both nations is formed, the treaty is merely chimerical and absolutely impossible.

Had such a treaty, as is thus vainly imagined, been really made, it would yet be as inconsistent with the fundamental establishment of the empire, to require that before it was ratified it should have been laid before the senate. To make treaties, as to make war, is the acknowledged and established prerogative of the crown. When war is declared, the senate is, indeed, to consider whether it ought to be carried on at the expense of the nation; and if treaties require any supplies to put them in execution, they likewise fall properly, at that time, under senatorial cognizance: but to require that treaties shall not be transacted without our previous concurrence, is almost to annihilate the power of the crown, and to expose all our designs to the opposition of our enemies, before they can be completed.

If, therefore, the troops of Hanover can be of use for the performance of our stipulations, if they can contribute to the support of the house of Austria, the ministry cannot, in my opinion, be censured for having taken them into British pay; nor can we refuse our concurrence with the

commons in providing for their support, unless it shall appear that the design for which all our preparations have been made is such as cannot be executed, or such as ought not to be pursued.

Several arguments have been offered to prove both these positions; one noble lord has asserted, that it is by no means for the advantage either of ourselves or any other nation, to restore the house of Austria to its ancient elevation; another, that it is, by the imperial constitutions, unlawful for any of the princes of Germany to make war upon the emperour solemnly acknowledged by the diet. They have endeavoured to intimidate us, by turning our view to the difficulties by which our attempts are obstructed; difficulties which they affect to represent as insuperable, at least to this nation in its present state. With this design, my lords, has the greatness of the French power been exaggerated, the faith of the king of Sardinia questioned, and the king of Prussia represented as determined to support the pretensions of the emperour; with this view has our natural strength been depreciated, and all our measures and hopes have been ridiculed, with wantonness, not very consistent with the character of a British patriot.

Most of these arguments, my lords, have been already answered, and answered in such a manner as has, I believe, not failed of convincing every lord of their insufficiency, unless, perhaps, those are to be excepted by whom they were offered. It has with great propriety been observed, that the inconsistency imputed to his majesty in opposing the emperour for whom he voted, is merely imaginary; since it is not a necessary consequence, that he for whom he voted is, therefore, lawfully elected; and because his majesty does not engage in this war for the sake of dethroning the emperour, but of supporting the Pragmatick sanction; nor does he oppose him as the head of the German body, but as the invader of the dominions of Austria.

With regard to the propriety of maintaining the Austrian family in its present possessions, and of raising it, if our

arms should be prosperous, to its ancient greatness, it has been shown, that no other power is able to defend Europe either against the Turks on one part, or the French on the other; two powers equally professing the destructive intention of extending their dominions without limits, and of trampling upon the privileges and liberties of all the rest of mankind.

It has been shown, that the general scheme of policy uniformly pursued by our ancestors in every period of time, since the increase of the French greatness, has been to preserve an equipoise of power, by which all the smaller states are preserved in security. It is apparent, that by this scheme alone can the happiness of mankind be preserved, and that no other family but that of Austria is able to balance the house of Bourbon.

This equipoise of power has by some lords been imagined an airy scheme, a pleasing speculation which, however it may amuse the imagination, can never be reduced to practice. It has been asserted, that the state of nations is always variable, that dominion is every day transferred by ambition or by casualties, that inheritances fall by want of heirs into other hands, and that kingdoms are by one accident divided at one time, and at other times consolidated by a different event; that to be the guardians of all those whose credulity or folly may betray them to concur with the ambition of an artful neighbour, and to promote the oppression of themselves, is an endless task; and that to obviate all the accidents by which provinces may change their masters, is an undertaking to which no human foresight is equal; that we have not a right to hinder the course of succession for our own interest, nor to obstruct those contracts which independent princes are persuaded to make, however contrary to their own interest, or to the general advantage of mankind. And it has been concluded by those reasoners, that we should show the highest degree of wisdom, and the truest, though not the most refined policy, by attending steadily to our own interest, by improving the dissensions of our neighbours to our own advantage, by extending our commerce, and increasing our

riches, without any regard to the happiness or misery, freedom or slavery of the rest of mankind.

I believe I need not very laboriously collect arguments to prove to your lordships that this scheme of selfish negligence, of supine tranquillity, is equally imprudent and ungenerous; since, if we examine the history of the last century, we shall easily discover, that if this nation had not interposed, the French had now been masters of more than half Europe; and it cannot be imagined that they would have suffered us to set them at defiance in the midst of their greatness, that they would have spared us out of tenderness, or forborne to attack us out of fear. What the Spaniards attempted, though unsuccessfully, from a more distant part of the world, in the pride of their American affluence, would certainly have been once more endeavoured by France, with far greater advantages, and as it may be imagined, with a different event.

That it would have been endeavoured, cannot be doubted, because the endeavour would not have been hazardous; by once defeating our fleet, they might land their forces, which might be wafted over in a very short time, and by a single victory they might conquer all the island, or that part of it, at least, which is most worth the labour of conquest; and though they should be unsuccessful, they could suffer nothing but the mortification of their pride, and would be in a short time enabled to make a new attempt.

Thus, my lords, if we could preserve our liberty in the general subjection of the western part of the world, we should do it only by turning our island into a garrison, by laying aside all other employment than the study of war, and by making it our only care to watch our coasts: a state which surely ought to be avoided at almost any expense and at any hazard.

To think that we could extend our trade or increase our riches in this state of the continent, is to forget the effects of universal empire. The French, my lords, would then be in possession of all the trade of those provinces which they had conquered, they would be masters of all their ports and of all their shipping; and your lordships may

easily conceive with what security we should venture upon the ocean, in a state of war, when all the harbours of the continent afforded shelter to our enemies. If the French privateers from a few obscure creeks, unsupported by a fleet of war, or at least not supported by a navy equal to our own, could make such devastations in our trade as enabled their country to hold out against the confederacy of almost all the neighbouring powers; what, my lords, might not be dreaded by us, when every ship upon the ocean should be an enemy; when we should be at once overborne by the wealth and the numbers of our adversaries; when the trade of the world should be in their hands, and their navies no less numerous than their troops.

I have made this digression, my lords, I hope not wholly without necessity, to show that the advantages of preserving the equipoise of Europe are not, as they have been sometimes conceived, empty sounds, or idle notions; but that by the balance of one nation against another, both the safety of other countries and of our own is preserved; and that, therefore, it requires all our vigilance and all our resolution to establish and maintain it.

That there may come a time in which this scheme will be no longer practicable, when a coalition of dominions may be inevitable, and when one power will be necessarily exalted above the rest, is, indeed, not absolutely impossible, and, therefore, not to be peremptorily denied. But it is not to be inferred, that our care is vain at present, because, perhaps, it may some time be vain hereafter; or that we ought now to sink into slavery without a struggle, because the time may come, when our strongest efforts will be ineffectual.

It has, indeed, been almost asserted, that the fatal hour is now arrived, and that it is to no purpose that we endeavour to raise any farther opposition to the universal monarchy projected by France. We are told, that the nation is exhausted and dispirited; that we have neither influence, nor riches, nor courage remaining; that we shall be left to stand alone against the united house of Bourbon; that the Austrians cannot, and that the Dutch will not, assist us;

that the king of Sardinia will desert his alliance; that the king of Prussia has declared against us; and, therefore, that by engaging in the support of the Pragmatick sanction, we are about to draw upon ourselves that ruin which every other power has foreseen and shunned.

I am far from denying, my lords, that the power of France is great and dangerous; but can draw no consequence from that position, but that this force is to be opposed before it is still greater, and this danger to be obviated while it is yet surmountable, and surmountable I still believe it by unanimity and courage.

If our wealth, my lords, is diminished, it is time to confine the commerce of that nation by which we have been driven out of the markets of the continent, by destroying their shipping, and intercepting their merchants. If our courage is depressed, it is depressed not by any change in the nature of the inhabitants of this island, but by a long course of inglorious compliance with the demands, and of mean submission to the insults, of other nations, to which it is necessary to put an end by vigorous resolutions.

If our allies are timorous and wavering, it is necessary to encourage them by vigorous measures; for as fear, so courage, is produced by example: the bravery of a single man may withhold an army from flight, and other nations will be ashamed to discover any dread of that power which France alone sets at defiance. They will be less afraid to declare their intentions, when they are convinced that we intend to support them; and if there be, in reality, any prince who does not favour our design, he will be at least less inclined to obstruct it, as he finds the opposition, which he must encounter, more formidable.

For this reason, my lords, I am far from discovering the justness of the opinion which has prevailed very much in the nation, on this occasion, that we are not to act without allies, because allies are most easily to be procured by acting, and because it is reasonable and necessary for us to perform our part, however other powers may neglect theirs.

The advice which the senate has often repeated to his majesty, has been to oppose the progress of France; and

though it should be allowed, that he has been advised to proceed in concert *with his allies*, yet it must be understood to suppose such allies as may be found to have courage and honesty enough to concur with him. It cannot be intended, that he should delay his assistance till corruption is reclaimed, or till cowardice is animated; for to promise the queen of Hungary assistance on such terms, would be to insult her calamities, and to withhold our succours till she was irrecoverably ruined. The senate could not insist that we should stand neuter, till all those, who were engaged by treaty to support the Pragmatick sanction, should appear willing to fulfil their stipulations; for even France is to be numbered among those who have promised to support the house of Austria in its possessions, however she may now endeavour to take them away.

Even with regard to that power from which most assistance may be reasonably expected, nothing would be more imprudent than to declare that we determine not to act without them; for what then would be necessary, but that the French influence one town in their provinces, or one deputy in their assemblies, and ruin the house of Austria in security and at leisure, without any other expense than that of a bribe.

It was, therefore, necessary to transport our troops into Flanders, to show the world that we were no longer inclined to stand idle spectators of the troubles of Europe; that we no longer intended to amuse ourselves, or our confederates, with negotiations which might produce no treaties, or with treaties which might be broken whenever the violation of them afforded any prospect of that advantage; we were now resolved to sacrifice the pleasures of neutrality, and the profits of peaceful traffick, to the security of the liberties of Europe, and the observation of publick faith.

This necessity was so generally allowed, that when the first body of troops was sent over, no objection was made by those who found themselves inclined to censure the conduct of our affairs, but that they were not sufficiently numerous to defend themselves, and would be taken prisoners by a French detachment; the ministry were there-

fore asked, why they did not send a larger force, why they engaged in hostilities, which could only raise the laughter of our enemies, and why, if they intended war, they did not raise an army sufficient to prosecute it?

An army, my lords, an army truly formidable, is now raised, and assembled on the frontiers of France, ready to assist our ally, and to put a stop to the violence of invasions. We now see ourselves once again united with the house of Austria, and may hope once more to drive the oppressors of mankind before us. But now, my lords, a clamour is propagated through the nation, that these measures, which have been so long desired, are pernicious and treacherous; that we are armed, not against France, but against ourselves; that our armies are sent over either not to fight, or to fight in a quarrel in which we have no concern; to gain victories from which this nation will receive no advantage, or to bring new dishonour upon their country by a shameful inactivity.

This clamour, which if it had been confined to the vulgar, had been, perhaps, of no great importance, nor could have promoted any of the designs of those by whom it was raised, has been mentioned in this house as an argument in favour of the motion which is now under the consideration of your lordships; and it has been urged that these measures cannot be proper, because all measures, by which his majesty's government is made unpopular, must in the end be destructive to the nation.

On this occasion, my lords, it is necessary to consider the nature of popularity, and to inquire how far it is to be considered in the administration of publick affairs. If by popularity is meant only a sudden shout of applause, obtained by a compliance with the present inclination of the people, however excited, or of whatsoever tendency, I shall without scruple declare, that popularity is to be despised; it is to be despised, my lords, because it cannot be preserved without abandoning much more valuable considerations. The inclinations of the people have, in all ages, been too variable for regard. But if by popularity be meant that settled confidence and lasting esteem, which a

good government may justly claim from the subject, I am far from denying that it is truly desirable; and that no wise man ever disregarded it. But this popularity, my lords, is very consistent with contempt of riotous clamours, and of mistaken complaints; and is often only to be obtained by an opposition to the reigning opinions, and a neglect of temporary discontents; opinions which may be inculcated without difficulty by favourite orators, and discontents which the eloquence of seditious writers may easily produce on ignorance and inconstancy.

How easily the opinions of the vulgar may be regulated by those who have obtained, by whatever methods, their esteem, the debate of this day, my lords, may inform us; since, if the measures against which this motion is intended, be really unpopular, as they have been represented, it is evident that there has been lately a very remarkable change in the sentiments of the nation; for it is yet a very little time since the repression of the insolence of France, and the relief of the queen of Hungary was so generally wished, and so importunately demanded, that had measures like these been then formed, it is not improbable that they might have reconciled the publick to that man whom the united voice of the nation has long laboured to overbear.

It is, indeed, urged with a degree of confidence, which ought, in my opinion, to proceed from stronger proof than has yet been produced, that no hostilities are intended; that our armaments on the continent are an idle show, an inoffensive ostentation, and that the troops of Hanover have been hired only to enrich the electorate, under the appearance of assisting the queen of Hungary, whom in reality they cannot succour without drawing upon their country the imperial interdict.

It has been alleged, my lords, that these measures have been concerted wholly for the advantage of Hanover; that this kingdom is to be sacrificed to the electorate, and that we are in reality intended to be made tributaries to a petty power.

In confirmation of these suggestions, advantage has been taken from every circumstance that could admit of misre-

presentation. The constitution of the empire has been falsely quoted, to prove that they cannot act against the emperour, and their inactivity in Flanders has been produced as a proof, that they do not intend to enter Germany.

Whoever shall consult the constituent and fundamental pact by which the German form of government is established, will find, my lords, that it is not in the power of the emperour alone to lay any of the states of Germany under the ban; and that the electors are independent in their own dominions, so far as that they may enter into alliances with foreign powers, and make war upon each other.

It appears, therefore, my lords, that no law prohibits the elector of Hanover to send his troops to the assistance of the queen of Hungary; he may, in consequence of treaties, march into Germany, and attack the confederates of the emperour, or what is not now intended, even the emperour himself, without any dread of the severities of the ban.

Nor does the continuance of the forces in Flanders show any unwillingness to begin hostilities, or any dread of the power of either Prussia, whose prohibition is merely imaginary, or of France, who is not less perplexed by the neighbourhood of our army than by any other method that could have been taken of attacking her; for being obliged to have an equal force always in readiness to observe their motions, she has not been able to send a new army against the Austrians, but has been obliged to leave the emperour at their mercy, and suffer them to recover Bohemia without bloodshed, and establish themselves at leisure in Bavaria.

Nor is this, my lords, the only advantage which has been gained by their residence in Flanders; for the United Provinces have been animated to a concurrence in the common cause, and have consented so far to depart from their darling neutrality, as to send twenty thousand of their forces to garrison the barrier. Of which no man, I suppose, will say that it is not of great importance to the queen of Hungary, since it sets her free from the necessity of distracting her views, and dividing her forces for the

defence of the most distant parts of her dominions at once; nor will it be affirmed, that this advantage could have probably been gained, without convincing our allies of our sincerity, by sending an army into the continent.

If it be asked, what is farther to be expected from these troops? it ought to be remembered, my lords, with how little propriety our ministers can be required to make publick a scheme of hostile operations, and how much we should expose ourselves to our enemies, should a precedent be established by which our generals would be incapacitated to form any private designs, and an end would be for ever put to military secrecy.

What necessity there can be for proposing arguments like these, I am not, indeed, able to discover, since the objections which have been made seem to proceed rather from obstinacy than conviction; and the reflections that have been vented seem rather the product of wit irritated by malevolence, than of reason enlightened by calm consideration. The ministers have been reproached with Hanoverian measures, without any proof that Hanover is to receive the least advantage; and have been charged with betraying their country by those who cannot show how their country is injured, nor can prove either that interest or faith would allow us to sit inactive in the present disturbance of Europe, or that we could have acted in any other manner with equal efficacy.

It is so far from being either evident or true, my lords, that Britain is sacrificed to Hanover, that Hanover is evidently hazarded by her union with Britain. Had this electorate now any other sovereign than the king of Great Britain, it might have been secure by a neutrality, and have looked upon the miseries of the neighbouring provinces without any diminution of its people, or disturbance of its tranquillity; nor could any danger be dreaded, or any inconvenience be felt, but from an open declaration in favour of the Pragmatick sanction.

Why the hire of the troops of any particular country should be considered as an act of submission to it, or of dependency upon it, I cannot discover; nor can I conceive

for what reason the troops of Hanover should be more dangerous, or less popular, at this than at any former time, or why the employment of them should be considered as any particular regard. If any addition of dominion had been to be purchased for the electorate by the united arms of the confederate army, I should, perhaps, be inclined to censure the scheme, as contrary to the interest of my native country; nor shall any lord more warmly oppose designs that may tend to aggrandize another nation at the expense of this. But to hire foreigners, of whatever country, only to save the blood of Britons, is, in my opinion, an instance of preference which ought to produce rather acknowledgments of gratitude than sallies of indignation.

Upon the most exact survey of this debate, I will boldly affirm, that I never heard in this house a question so untenable in itself, so obstinately or so warmly debated; but hope that the sophistries which have been used, however artful, and the declamations which have been pronounced, however pathetick, will have no effect upon your lordships. I hope, that as the other house has already agreed to support the auxiliaries which have been retained, and which have been proved in this debate to be retained for the strongest reasons, and the most important purposes, your lordships will show, by rejecting this motion, that you are not less willing to concur in the support of publick faith, and that you will not suffer posterity to charge you with the exaltation of France, and the ruin of Europe.

[The question was then put, and determined in the negative, by 90 against 35.]

After the conclusion of this long debate, the ministry did not yet think their victory in repelling this censure sufficiently apparent, unless a motion was admitted, which might imply a full and unlimited approbation of their measures; and therefore the earl of SCARBOROUGH rose, and spoke to the following effect:—My lords, it has been justly observed in the debate of this day, that the opinions of the people of Britain are regulated in a great measure by the determinations of this house; that they consider this as the

place where truth and reason obtain a candid audience; as a place sacred to justice and to honour; into which, passion, partiality, and faction have been very rarely known to intrude; and that they, therefore, watch our decisions as the great rules of policy, and standing maxims of right, and readily believe these measures necessary in which we concur, and that conduct unblameable which has gained our approbation.

This reputation, my lords, we ought diligently to preserve, by an unwearied vigilance for the happiness of our fellow-subjects; and while we possess it, we ought likewise to employ its influence to beneficial purposes, that the cause and the effect may reciprocally produce each other; that the people, when the prosperity which they enjoy by our care, inclines them to repose in us an implicit confidence, may find that confidence a new source of felicity; that they may reverence us, because they are secure and happy; and be secure and happy, because they reverence us.

This great end, my lords, it will not be very difficult to attain; the foundation of this exalted authority may easily be laid, and the superstructure raised in a short time; the one may be laid too deep to be undermined, and the other built too firmly to be shaken; at least they can be impaired only by ourselves, and may set all external violence at defiance.

To preserve the confidence of the people, and, consequently, to govern them without force, and without opposition, it is only necessary that we never willingly deceive them; that we expose the publick affairs to their view, so far as they ought to be made publick in their true state; that we never suffer false reports to circulate under the sanction of our authority, nor give the nation reason to think we are satisfied, when we are, in reality, suspicious of illegal designs, or that we suspect those measures of latent mischiefs with which we are, in reality, completely satisfied.

But it is not sufficient, my lords, that we publish ourselves no fallacious representations of our counsels; it is

necessary, likewise, that we do not permit them to be published, that we obviate every falsehood in its rise, and propagate truth with our utmost diligence. For if we suffer the nation to be deceived, we are not much less criminal than those who deceive it; at least we must be confessed no longer to act as the guardians of the publick happiness, if we suffer it to be interrupted by the dispersion of reports which we know to be at once false and pernicious.

Of these principles, which I suppose will not be contested, an easy application may be made to the business of the present day. A question has been debated with great address, great ardour, and great obstinacy, which is in itself, though not doubtful, yet very much diffused; complicated with a great number of circumstances, and extended to a multitude of relations; and is, therefore, a subject upon which sophistry may very safely practise her arts, and which may be shown in very different views to those whose intellectual light is too much contracted to receive the whole object at once. It may easily be asserted, by those who have long been accustomed to affirm, without scruple, whatever they desire to obtain belief, that the arguments in favour of the motion, which has now been rejected by your lordships, were unanswerable; and it will be no hard task to lay before their audience such reasons as, though they have been easily confuted by the penetration and experience of your lordships, may, to men unacquainted with politicks, and remote from the sources of intelligence, appear very formidable.

It is, therefore, not sufficient that your lordships have rejected the former motion, and shown that you do not absolutely disapprove the measures of the government, since it may be asserted, and with some appearance of reason, that barely not to admit a motion by which all the measures of the last year would have been at once overturned and annihilated, is no proof that they have been fully justified, and warmly confirmed, since many of the transactions might have been at least doubtful, and yet this motion not have been proper.

In an affair of so great importance, my lords, an affair in which the interest of all the western world is engaged, it is necessary to take away all suspicions, when the nation is about to be involved in a war for the security of ourselves and our posterity; in a war which, however prosperous, must be at least expensive, and which is to be carried on against an enemy who, though not invincible, is, in a very high degree, powerful. It is surely proper to show, in the most publick manner, our conviction, that neither prudence nor frugality has been wanting; that the inconveniencies which will be always felt in such contentions, are not brought upon us by wantonness or negligence; and that no care is omitted by which they are alleviated, and that they may be borne more patiently, because they cannot be avoided.

This attestation, my lords, we can only give by a solemn address to his majesty of a tendency contrary to that of the motion now rejected; and by such an attestation only can we hope to revive the courage of the nation, to unite those in the common cause of liberty whom false reports have alienated or shaken, and to restore to his majesty that confidence which all the subtilties of faction have been employed to impair. I, therefore, move, that an humble address be presented to his majesty, importing, "That in the unsettled and dangerous situation of affairs in Europe, the sending a considerable body of British forces into the Austrian Netherlands, and augmenting the same with sixteen thousand of his majesty's electoral troops, and the Hessians in the British pay, and thereby, in conjunction with the queen of Hungary's troops in the Low Countries, forming a great army for the service of the common cause, was a wise, useful, and necessary measure, manifestly tending to the support and encouragement of his majesty's allies, and the real and effectual assistance of the queen of Hungary, and the restoring and maintaining the balance of power, and has already produced very advantageous consequences."

The earl of OXFORD spoke next, to the following effect:—My lords, the necessity of supporting our reputation, and

of preserving the confidence of the publick, I am by no means inclined to dispute, being convinced, that from the instant in which we shall lose the credit which our ancestors have delivered down to us, we shall be no longer considered as a part of the legislature, but be treated by the people only as an assembly of hirelings and dependants, convened at the pleasure of the court to ratify its decisions without examination, to extort taxes, promote slavery, and to share with the ministry the crime and the infamy of cruelty and oppression.

For this reason, it is undoubtedly proper, that we avoid not only the crime, but the appearance of dependence; and that every doubtful question should be freely debated, and every pernicious position publickly condemned; and that when our decisions are not agreeable to the opinion or expectations of the people, we should at least show them that they are not the effects of blind compliance with the demands of the ministry, or of an implicit resignation to the direction of a party. We ought to show, that we are unprejudiced, and ready to hear truth; that our determinations are not dictated by any foreign influence, and that it will not be vain to inform us, or useless to petition us.

In these principles I agree with the noble lord who has made the motion; but in the consequences which are on this occasion to be drawn from them, I cannot but differ very widely from him; for, in my opinion, nothing can so much impair our reputation, as an address like that which is proposed; an address not founded either upon facts or arguments, and from which the nation can collect only, that the protection of this house is withdrawn from them, that they are given up to ruin, and that they are to perish as a sacrifice to the interest of Hanover.

Let us consider what we are now invited to assert, and it will easily appear how well this motion is calculated to preserve and to advance the reputation of this house. We are to assert, my lords, the propriety of a new war against the most formidable power of the universe, at a time when we have been defeated and disgraced in our conquests with a kingdom of inferiour force. We are to declare our

readiness to pay and to raise new taxes, since no war can be carried on without them, at a time when our commerce, the great source of riches, is obstructed; when the interest of debts contracted during a long war, and a peace almost equally expensive, is preying upon our estates; when the profits of the trade of future ages, and the rents of the inheritances of our latest descendants, are mortgaged; and what ought yet more to affect us, at a time when the outcry of distress is universal, when the miseries of hopeless poverty have sunk the nation into despair, when industry scarcely retains spirit sufficient to continue her labours, and all the lower ranks of mankind are overwhelmed with the general calamity.

There may, perhaps, be some among your lordships who may think this representation of the state of the publick exaggerated beyond the truth. There are many in this house who see no other scenes than the magnificence of feasts, the gaieties of balls, and the splendour of a court; and it is not much to be wondered at, if they do not easily believe what it is often their interest to doubt, that this luxury is supported by the distress of millions, and that this magnificence exposes multitudes to nakedness and famine. It is my custom, when the business of the senate is over, to retire to my estate in the country, where I live without noise, and without riot, and take a calm and deliberate survey of the condition of those that inhabit the towns and villages about me. I mingle in their conversation, and hear their complaints; I enter their houses, and find by their condition that their complaints are just; I discover that they are daily impoverished, and that they are not able to struggle under the enormous burdens of publick payments, of which I am convinced that they cannot be levied another year without exhausting the people, and spreading universal beggary over the nation.

What can be the opinion of the publick, when they see an address of this house, by which new expenses are recommended? Will they not think that their state is desperate, and that they are sold to slavery, from which nothing but insurrections and bloodshed can release them? If they

retain any hopes of relief from this house, they must soon be extinguished, when they find in the next clause, that we are sunk to such a degree of servility, as to acknowledge benefits which were never received, and to praise the invisible service of our army in Flanders.

If it be necessary, my lords, to impose upon the publick, let us at least endeavour to do it less grossly; let us not attempt to persuade them that those forces have gained victories who have never seen an enemy, or that we are benefited by the transportation of our money into another country.

If it be necessary to censure those noble lords who have supported the former motion, and to punish them for daring to use arguments which could not be confuted; for this is the apparent tendency of the present motion; let us not lose all consideration of ourselves, nor sacrifice the honour of the house to the resentment of the ministry.

For my part, my lords, I shall continue to avow my opinion in defiance of censures, motions and addresses; and as I struggled against the former ministry, not because I envied or hated them, but because I disapproved their conduct; I shall continue to oppose measures equally destructive with equal zeal, by whomsoever they are projected, or by whomsoever patronised.

Lord CARTERET spoke next, to the following purpose:—My lords, after so full a defence of the former motion as the late debate has produced, it is rather with indignation than surprise, that I hear that which is now offered. It has been for a long time the practice of those who are supported only by their numbers, to treat their opponents with contempt, and when they cannot answer to insult them; and motions have been made, not because they were thought right by those who offered them, but because they would certainly be carried, and would, by being carried, mortify their opponents.

This, my lords, is the only intent of the present motion which can promote no useful purpose, and which, though it may flatter the court, must be considered by the people as an insult; and therefore, though I believe all opposition fruitless, I declare that I never will agree to it.

And to show, my lords, that I do not oppose the ministry for the sake of obstructing the publick counsels, or of irritating those whom I despair to defeat; and that I am not afraid of trusting my conduct to the impartial examination of posterity, I shall beg leave to enter, with my protest, the reasons which have influenced me in this day's deliberation, that they be considered when this question shall no longer be a point of interest, and our present jealousies and animosities are forgotten.

[It was carried in the affirmative, by 78 against 35.]

HOUSE OF LORDS, FEBRUARY 21, 1742-3.

DEBATE ON SPIRITUOUS LIQUORS.

The bill for altering the duties on spirituous liquors, and permitting them again to be sold with less restraint, which was sent up by the commons to the house of lords, produced there very long and serious deliberations, to which the lords had every day each a particular summons, as in cases of the highest concern.

The bill was entitled, An act for repealing certain duties on spirituous liquors, and on licenses for retailing the same, and for laying other duties on spirituous liquors, and on licenses for retailing the said liquors.

The duties which were proposed to be repealed, were those laid by the act 9 Geo. II. which permitted no person to sell spirituous liquors in less quantity than two gallons without a license, for which fifty pounds were to be paid. Whereas by the new bill a small duty per gallon was laid on at the still-head, and the license was to cost but twenty shillings, which was to be granted only to such as had licenses for selling ale. On the credit of this act, as soon as it was passed by the commons, the ministry borrowed a large sum at three per cent. but it was understood that the sinking fund was pledged as a collateral security to pay any deficiency.

In about a fortnight this bill passed all the forms in the house of commons, almost without opposition; and with

little or no alteration from the scheme brought into the committee on ways and means for raising the supply for the current year, by Mr. Sandys, then chancellor of the exchequer.

It was immediately carried up to the house of lords, where it was read for the first time on the 17th of February; and ordered a second reading on the twenty-second.

On that day the commissioners of excise, according to an order of the house, brought an account of the sums arising by the last act, and a yearly account for several years past; and attending were interrogated concerning the execution of the last act.

The bishop of Oxford particularly inquired, whether it had been effectually put in force, and questions of the same kind were asked by lord Lonsdale and others; to which the commissioners answered, that it had been diligently and vigorously executed, so far as they or their officers had power to enforce it; but that the justices had not always been equally zealous in seconding their endeavours; and that it was impossible to discover all the petty dealers by whom it was infringed, spirituous liquors still continuing to be sold in small obscure shops, and at the corners of the streets.

A motion was also made, that three of the physicians of most note for their learning and experience, should be summoned to attend the house, to declare their opinion with regard to the effects of spirituous liquors upon the human body. But this was rejected by 33 against 17.

The bill was read the second time on the day appointed, when the question being put, whether it should be committed, lord HERVEY rose, and spoke to the following effect:—

My lords, though I doubt not but the bill now before us will be promoted in this house, by the same influence by which it has been conducted through the other; yet I hope its success will be very different, and that those arts by which its consequences, however formidable, have been hitherto concealed, or by which those whose business it was to have detected and exposed them, have been induced to

turn their eyes aside, will not be practised here with the same efficacy, though they should happen to be attempted with the same confidence. I hope that zeal for the promotion of virtue, and that regard to publick happiness, which has on all occasions distinguished this illustrious assembly, will operate now with uncommon energy, and prevent the approbation of a bill, by which vice is to be made legal, by which the fences of subordination are to be thrown down, and all the order of society, and decency of regular establishments be obliterated by universal licentiousness, and lost in the wild confusions of debauchery; of debauchery encouraged by law, and promoted for the support of measures expensive, ridiculous, and unnecessary.

A law of so pernicious a tendency shall, at least, not pass through this house without opposition; nor shall drunkenness be established among us without the endeavour of one voice, at least, to withhold its progress; for I now declare that I oppose the commitment of this bill, and that I am determined to continue my opposition to it in all the steps by which the forms of our house make it necessary that it should pass before it can become a law.

Nor do I speak, my lords, on this occasion, with that distrust and mental hesitation which are both natural and decent, when questions are dubious, when probability seems to be almost equally divided, when truth appears to hover between two parties, and by turns to favour every speaker; when specious arguments are urged on both sides, and the number of circumstances to be collected, and of relations to be adjusted, is so great, that an exact and indubitable decision is scarcely to be attained by human reason. I do not, my lords, now speak with the diffidence of inquiry, or the uncertainty of conjecture, nor imagine that I am now examining a political expedient, of which the success can only be perfectly known by experience, and of which, therefore, no man can absolutely determine, whether it will be useful or pernicious, or a metaphysical difficulty, which may be discussed for ever without being decided.

In considering this bill, my lords, I proceed upon stated and invariable principles. I have no facts to examine but such as, to the last degree, are notorious, such as have been experienced every hour, since the existence of society; and shall appeal, not to transitory opinions, or casual assertions, but to the laws of all civilized nations, and to the determinations of every man whose wisdom or virtue have given him a claim to regard.

All the decrees of all the legislators of the earth, or the declarations of wise men, all the observations which nature furnishes, and all the examples which history affords, concur in condemning this bill before us, as a bill injurious to society, destructive of private virtue, and, by consequence, of publick happiness, detrimental to the human species, and, therefore, such as ought to be rejected in that assembly to which the care of the nation is committed; that assembly which ought to meet only for the benefit of mankind, and of which the resolutions ought to have no other end, than the suppression of those vices by which the happiness of life is obstructed or impaired.

The bill now before you, my lords, is fundamentally wrong, as it is formed upon a hateful project of increasing the consumption of spirituous liquors, and, consequently, of promoting drunkenness among a people reproached already for it throughout the whole world. It contains such a concatenation of enormities, teems with so vast a number of mischiefs, and therefore produces, in those minds that attend to its nature, and pursue its consequences, such endless variety of arguments against it, that the memory is perplexed, the imagination crowded, and utterance overburdened. Before any one of its pernicious effects is fully dilated a thousand others appear; the hydra still shoots out new heads, and every head vomits out new poison to infect society, and lay the nation desolate.

I am, therefore, at a loss, my lords, not how to raise arguments against this bill, which cannot be read or mentioned without furnishing them by thousands; but how to methodise those that occur to me, and under what heads

to range my thoughts, that I may pursue my design without confusion, that I may understand myself, and be understood by your lordships.

A multitude of considerations are obvious, all of importance sufficient to claim attention, and to outweigh the advantages proposed by this hateful bill, but which cannot all be mentioned, or at least not with that exactness which they deserve; I shall, therefore, confine myself at present to three considerations, and shall entreat the attention of your lordships, while I examine the bill now before us, with regard to its influence on the health and morals of the people, the arguments by which it has been hitherto supported, and the effects which it will have on the sinking fund.

The first head, my lords, is so copious, that I find myself very little relieved by the division which I have made. The moral arguments, though separated from those which are either political or temporary, are sufficient to overpower the strongest reason, and overflow the most extensive comprehension.

It is not necessary, I suppose, to show that health of body is a blessing, that the duties of life in which the greatest part of the world is employed, require vigour and activity, and that to want strength of limbs, and to want the necessary supports of nature, are to the lower classes of mankind the same. I need not observe to your lordships, whose legislative character obliges you to consider the general concatenation of society, that all the advantages which high stations or large possessions can confer, are derived from the labours of the poor; that to the plough and the anvil, the loom and the quarry, pride is indebted for its magnificence, luxury for its dainties, and delicacy for its ease. A very little consideration will be sufficient to show, that the lowest orders of mankind supply commerce with manufacturers, navigation with mariners, and war with soldiers; that they constitute the strength and riches of every nation; and that, though they generally move only by superiour direction, they are the immediate support of the community; and that without their

concurrence, policy would project in vain, wisdom would end in idle speculation, and the determinations of this assembly would be empty sounds.

It is, therefore, my lords, of the utmost importance, that all practices should be suppressed by which the lower orders of the people are enfeebled and enervated; for if they should be no longer able to bear fatigues or hardships, if any epidemical weakness of body should be diffused among them, our power must be at an end, our mines would be an useless treasure, and would no longer afford us either the weapons of war, or the ornaments of domestick elegance; we should no longer give law to mankind by our naval power, nor send out armies to fight for the liberty of distant nations; we should no longer supply the markets of the continent with our commodities, or share in all the advantages which nature has bestowed upon distant countries, for all these, my lords, are the effects of indigent industry, and mechanick labour.

All these blessings or conveniencies are procured by that strength of body, which nature has bestowed upon the natives of this country, who have hitherto been remarkably robust and hardy, able to support long fatigues, and to contend with the inclemency of rigorous climates, the violence of storms, and the turbulence of waves, and who have, therefore, extended their conquests with uncommon success, and been equally adapted to the toils of trade and of war, and have excelled those who endeavoured to rival them either in the praise of workmanship or of valour.

But, my lords, if the use of spirituous liquors be encouraged, their diligence, which can only be supported by health, will quickly languish; every day will diminish the numbers of the manufacturers, and, by consequence, augment the price of labour; those who continue to follow their employments, will be partly enervated by corruption, and partly made wanton by the plenty which the advancement of their wages will afford them, and partly by the knowledge that no degree of negligence will deprive them of that employment in which there will be none to succeed them. All our commodities, therefore, will be wrought

with less care and at a higher price, and therefore, will be rejected at foreign markets in favour of those which other nations will exhibit of more value, and yet at a lower rate.

No sooner, my lords, will this bill make drunkenness unexpensive and commodious, no sooner will shops be opened in every corner of the streets, in every petty village, and in every obscure cellar for the retail of these liquors, than the workrooms will be forsaken, when the artificer has, by the labour of a small part of the day, procured what will be sufficient to intoxicate him for the remaining hours; for he will hold it ridiculous to waste any part of his life in superfluous diligence, and will readily assign to merriment and frolicks that time which he now spends in useful occupations.

But such is the quality of these liquors, that he will not long be able to divide his life between labour and debauchery, he will soon find himself disabled by his excesses from the prosecution of his work, and those shops which were before abandoned for the sake of pleasure, will soon be made desolate by sickness; those who were before idle, will become diseased, and either perish by untimely deaths, or languish in misery and want, an useless burden to the publick.

Nor, my lords, will the nation only suffer by the deduction of such numbers from useful employments, but by the addition of great multitudes to those who must be supported by the charity of the publick. The manufacturer, who by the use of spirituous liquors weakens his limbs or destroys his health, at once takes from the community to which he belongs, a member by which the common stock was increased, and by leaving a helpless family behind him, increases the burden which the common stock must necessarily support. And the trader or husbandman is obliged to pay more towards the maintenance of the poor, by the same accident which diminishes his trade or his harvest, which takes away part of the assistance which he received, and raises the price of the rest.

That these liquors, my lords, liquors of which the strength is heightened by distillation, have a natural tendency to

inflame the blood, to consume the vital juices, destroy the force of the vessels, contract the nerves, and weaken the sinews, that they not only disorder the mind for a time, but by a frequent use precipitate old age, exasperate diseases, and multiply and increase all the infirmities to which the body of man is liable, is generally known to all whose regard to their own health, or study to preserve that of others, has at any time engaged them in such inquiries, and would have been more clearly explained to your lordships, had the learned physicians been suffered to have given their opinions on this subject, as was yesterday proposed.

Why that proposal was rejected, my lords; for what reason, in the discussion of so important a question, any kind of evidence was refused, posterity will find it difficult to explain, without imputing to your lordships such motives as, I hope, will never operate in this assembly. It will be, perhaps, thought that the danger was generally known, though not acknowledged; and that those who resolved to pass the bill, had no other care than to obstruct such information as might prove to mankind, that they were incited by other designs than that of promoting the publick good.

It is not, however, necessary that any very curious inquiries should be made for the discovery of that which, indeed, cannot be concealed, and which every man has an opportunity of remarking that passes through the streets.

So publick, so enormous, and so pernicious has been this dreadful method of debauchery, that it has excited and baffled the diligence of the magistrates, who have endeavoured to stop its progress or hinder its effects. They found their efforts ineffectual, and their diligence not only not useful to the publick, but dangerous to themselves. They quickly experienced, my lords, the folly of those laws which punish crimes instead of preventing them; they found that legal authority had little influence, when opposed to the madness of multitudes intoxicated with spirits, and that the voice of justice was but very little heard amidst the clamours of riot and drunkenness.

We live, my lords, in a nation where the effects of strong liquors have been for a long time too well known; we know that they produce, in almost every one, a high opinion of his own merit; that they blow the latent sparks of pride into flame, and, therefore, destroy all voluntary submission; they put an end to subordination, and raise every man to an equality with his master, or his governour. They repress all that awe by which men are restrained within the limits of their proper spheres, and incite every man to press upon him that stands before him, that stands in the place of which that sudden elevation of heart, which drunkenness bestows, makes him think himself more worthy.

Pride, my lords, is the parent, and intrepidity the fosterer of resentment; for this reason, men are almost always inclined, in their debauches, to quarrels and to bloodshed; they think more highly of their own merit, and, therefore, more readily conclude themselves injured; they are wholly divested of fear, insensible of present danger, superiour to all authority, and, therefore, thoughtless of future punishment; and what then can hinder them from expressing their resentment with the most offensive freedom, or pursuing their revenge with the most daring violence.

Thus, my lords, are forgotten disputes often revived, and after having been long reconciled, are at last terminated by blows; thus are lives destroyed upon the most trifling occasions, upon provocations often imaginary, upon chimerical points of honour, where he who gave the offence, perhaps without design, supports it only because he has given it; and he who resents it, pursues his resentment only because he will not acknowledge his mistake.

Thus are lives lost, my lords, at a time when those who set them to hazard, are without consciousness of their value, without sense of the laws which they violate, and without regard to any motives but the immediate influence of rage and malice.

When we consider, my lords, these effects of drunkenness, it can be no subject of wonder, that the magistrate finds himself overborne by a multitude united against him, and united by general debauchery. Government, my

lords, subsists upon reverence, and what reverence can be paid to the laws, by a crowd, of which every man is exalted by the enchantment of those intoxicating spirits, to the independence of a monarch, the wisdom of a legislator, and the intrepidity of a hero? when every man thinks those laws oppressive that oppose the execution of his present intentions, and considers every magistrate as his persecutor and enemy?

Laws, my lords, suppose reason; for who ever attempted to restrain beasts but by force; and, therefore, those that propose the promotion of publick happiness, which can be produced only by an exact conformity to good laws, ought to endeavour to preserve what may properly be called the *publick reason;* they ought to prevent a general depravation of the faculties of those whose benefit is intended, and whose obedience is required; they ought to take care that the laws may be known, for how else can they be observed? and how can they be known, or at least, how can they be remembered in the heats of drunkenness?

That the laws are universally neglected and defied among the lower class of mankind, among those whose want of the lights of knowledge and instruction, makes positive and compulsory directions more necessary for the regulation of their conduct, is apparent from the representation of the magistrates, in which the general disorders of this great city, the open wickedness, the daring insolence, and unbounded licentiousness of the common people, is very justly described.

Their wickedness and insolence, my lords, is, indeed, such, that order is almost at an end, rank no longer confers respect, nor does dignity afford security. The same confidence produces insults and robberies, and that insensibility with which debauchery arms the mind equally against fear and pity, frequently aggravates the guilt of robbery with greater crimes; those who are so unhappy as to fall into the hands of thieves, heated by spirits into madmen, seldom escape without suffering greater cruelties than the loss of money.

That the use of these poisonous draughts quickly debi-

litates the limbs, and destroys the strength of the body; however this quality may impair our manufactures, weaken our armies, and diminish our commerce; however it may reduce our fleets to an empty show, and enable our enemies to triumph in the field, or our rivals to supplant us in the market, can scarcely, my lords, come under consideration, when we reflect how debauchery operates upon the morals.

It is happy, my lords, that those who are inclined to mischief, are disabled in a short time from executing their intentions, by the same causes which excite them; that they are obliged to stop in the career of their crimes, that they are preserved from the hand of the executioner by the liquor which exposes them to it, and that palsies either disable them from pursuing their villanies, or fevers put an end to their lives.

It is happy, my lords, that what is thus violent, cannot be lasting; that those lives which are employed in mischief, are generally short; and that since it is the quality of this malignant liquor to corrupt the mind, it likewise destroys the body.

But this effect, my lords, is not constant or regular; men sometimes continue for many years, to supply the expenses of drunkenness by rapine, and to exasperate the fury of rapine by drunkenness. And, therefore, though there could be any one so regardless of the happiness of mankind, as to look without concern upon them who hurry themselves to the grave with poison, he may yet be incited by his own interest to prevent the progress of this practice, a practice which tends to the subversion of all order, and the destruction of all happiness.

It is well known, my lords, that publick happiness must be on a stated proportion to publick virtue; that mutual trust is the cement of society, and that no man can be trusted but as he is reputed honest. To promote trust, my lords, is the apparent tendency of all laws. When the ties of morality are enforced by penal sanctions, men are more afraid to violate them, and, therefore, are trusted with less danger; but when they no longer fear the law,

they are to be restrained only by their consciences; and if neither law nor conscience has any influence upon their conduct, they are only a herd of wild beasts, let loose to prey upon each other, and every man will inflict or suffer pain, as he meets with one stronger or weaker than himself.

Thus, my lords, will all authority cease, property will become dangerous to him that possesses it, and confusion will overspread the whole community; nor can it be easily conceived, by the most extensive comprehension how far the mischiefs may spread, or where the chain of destructive consequences will end.

If we consider our fleet or our army, my lords, it is apparent, that neither obedience nor fidelity can be expected from men upon whom all the ties of morality, and all the sanctions of law have lost their influence; they will mutiny without fear, and desert without scruple, and like wild beasts, will, upon the least provocation, turn upon those by whom they ought to be governed.

But drunkenness, my lords, not only corrupts men, by taking away the sense of those restraints by which they are generally kept in awe, and withheld from the perpetration of villanies, but by superadding the temptations of poverty, temptations not easily to be resisted, even by those whose eyes are open to the consequences of their actions, and which, therefore, will certainly prevail over those whose apprehensions are laid asleep, and who never extend their views beyond the gratification of the present moment.

Drunkenness, my lords, is the parent of idleness; for no man can apply himself to the business of his trade, either while he is drinking, or when he is drunk. Part of his time is spent in jollity, and part in imbecility; when he is amidst his companions he is too gay to think of the consequences of neglecting his employment; and when he has overburdened himself with liquor, he is too feeble and too stupid to follow it.

Poverty, my lords, is the offspring of idleness, as idleness of drunkenness; the drunkard's work is little and his expenses are great; and, therefore, he must soon see his family distressed, and his substance reduced to nothing:

and surely, my lords, it needs not much sagacity to discover what will be the consequence of poverty produced by vice.

It is not to be expected, my lords, that a man thus corrupted will be warned by the approach of misery, that he will recollect his understanding, and awaken his attention; that he will apply himself to his business with new diligence, endeavour to recover, by an increase of application, what he has lost by inattention, and make the remembrance of his former vices, and the difficulties and diseases which they brought upon him, an incitement to his industry, a confirmation of his resolution, and a support to his virtue.

That this is, indeed, possible, I do not intend to deny; but the bare possibility of an event so desirable, is the utmost that can be admitted; for it can scarcely be expected, that any man should be able to break through all the obstacles that will obstruct his return to honesty and wisdom; his companions will endeavour to continue the infatuating amusements which have so long deluded him; his appetite will assist their solicitations; the desire of present ease by which all mankind are sometimes led aside from virtue, will operate with unusual strength; since, to retrieve his misconduct, he must not only deny himself the pleasure which he has so long indulged, but must bear the full view of his distress from which he will naturally turn aside his eyes. The general difficulty of reformation will incline him to seek for ease by any other means, and to delay that amendment which he knows to be necessary, from hour to hour, and from day to day, till his resolutions are too much weakened to prove of any effect, and his habits confirmed beyond opposition.

At length, necessity, immediate necessity, presses upon him; his family is made clamorous by want, and his calls of nature and of luxury are equally importunate; he has now lost his credit in the world, and none will employ him, because none will trust him, or employment cannot immediately be, perhaps, obtained; because his place has for a long time been supplied by others. And, even if he could obtain a readmission to his former business, his wants are

now too great and too pressing to be supplied by the slow methods of regular industry; he must repair his losses by more efficacious expedients, and must find some methods of acquisition, by which the importunity of his creditors may be satisfied.

Industry is now, by long habits of idleness, become almost impracticable; his attention having been long amused by pleasing objects, and dissipated by jollity and merriment, is not readily recalled to a task which is unpleasing, because it is enjoined; and his limbs, enervated by hot and strong liquors, liquors of the most pernicious kind, cannot support the fatigues necessary in the practice of his trade; what was once wholesome exercise is now insupportable fatigue; and he has not now time to habituate himself, by degrees, to that application which he has intermitted, that labour which he has disused, or those arts which he has forgotten.

In this state, my lords, he easily persuades himself that his condition is desperate, that no legal methods will relieve him; and that, therefore, he has nothing to hope but from the efforts of despair. These thoughts are quickly confirmed by his companions, whom the same misconduct has reduced to the same distress, and who have already tried the pleasures of being supported by the labour of others. They do not fail to explain to him the possibility of sudden affluence, and, at worst, to celebrate the satisfaction of short-lived merriment. He, therefore, engages with them in their nocturnal expeditions, an association of wickedness is formed, and that man, who before he tasted this infatuating liquor, contributed every day, by honest labour, to the happiness or convenience of life, who supported his family in decent plenty, and was himself at ease, becomes at once miserable and wicked; is detested as a nuisance by the community, and hunted by the officers of justice; nor has mankind any thing now to wish or hope with regard to him, but that by his speedy destruction, the security of the roads may be restored, and the tranquillity of the night be set free from the alarms of robbery and murder.

These, my lords, are the consequences which necessarily ensue from the use of those pernicious, those infatuating spirits, which have justly alarmed every man whom pleasure or sloth has not wholly engrossed, and who has ever looked upon the various scenes of life with that attention which their importance demands.

Among these, my lords, the clergy have distinguished themselves by a zealous opposition to this growing evil, and have warned their hearers with the warmest concern against the misery and wickedness which must always be the attendants or the followers of drunkenness. One among them[i], whose merit has raised him to a seat in this august assembly, and whose instructions are enforced by the sanctity of his life, has, in a very cogent and pathetical manner, displayed the enormity of this detestable sin, the universality of its prevalence, and the malignity of its effects; and in his discourse on the infirmary of this city, has observed with too much justness, that the lowest of the people are infected with this vice, and that *even necessity is become luxurious.*

Many other authorities[k] might be produced, and some others I have now in my hand; but the recital of them would waste the day to no purpose: for surely it is not necessary to show, by a long deduction of authorities, the guilt of drunkenness, or to prove that it weakens the body, or that it depraves the mind, that it makes mankind too feeble for labour, too indolent for application, too stupid for ingenuity, and too daring for the peace of society.

This, surely, my lords, is, therefore, a vice which ought, with the utmost care, to be discouraged by those whose birth or station has conferred upon them the province of watching over the publick happiness; and which, surely, no prospect of present advantage, no arguments of political convenience, will prevail upon this house to promote.

That the natural and evident tendency of this bill is the propagation of drunkenness, cannot be denied, when it is considered that it will increase the temptations to it by

[i] Bishop of Sarum. [k] He read the preamble to a former bill, the opinion of the college of physicians.

making that liquor, which is the favourite of the common people, more common, by multiplying the places at which it is sold, so that none can want an opportunity of yielding to any sudden impulse of his appetite, which will solicit him more powerfully and more incessantly as they are more frequently and more easily gratified.

In defence of a bill like this, my lords, it might be expected, that at least many specious arguments should be offered. It may be justly hoped that no man will rise up in opposition to all laws of heaven and earth, to the wisdom of all legislators, and the experience of every human being, without having formed such a train of arguments as will not easily be disconcerted, or having formed at least such a chain of sophistry as cannot be broken but with difficulty.

And yet, my lords, when I consider what has been offered by all who have hitherto appeared either in publick assemblies, or in private conversation, as advocates for this bill, I can scarcely believe, that they perceive themselves any force in their own arguments; and am inclined to conclude, that they speak only to avoid the imputation of being able to say nothing in defence of their own scheme; that their hope is not to convince by their reasons, but to overpower by their numbers; that they are themselves influenced, not by reason, but by necessity; and that they only encourage luxury, because money is to be raised for the execution of their schemes: and they imagine, that the people will pay more cheerfully for liberty to indulge their appetites, than for any other enjoyment.

The arguments which have been offered, my lords, in vindication of this bill, or at least which I have hitherto heard, are only two, and those two so unhappily associated, that they destroy each other; whatever shall be urged to enforce the second, must in the same proportion invalidate the first; and whoever shall assert, that the first is true, must admit that the second is false.

These positions, my lords, the unlucky positions which are laid down by the defenders of this pernicious bill, are, that it will supply the necessities of the government with

a very large standing revenue, on the credit of which, strengthened by the additional security of the sinking fund, a sum will be advanced sufficient to support the expenses of a foreign war; and that at the same time it will lessen the consumption of the liquors from whence this duty is to arise.

By what arts of political ratiocination these propositions are to be reconciled, I am not able to discover. It appears evident, my lords, that large revenues can only be raised by the sale of large quantities; and that larger quantities will in reality be sold, as the price is little or nothing raised, and the venders are greatly increased.

If this will not be the effect, my lords, and if this effect is not expected, why is this bill proposed as sufficient to raise the immense sums which our present exigencies require? Can duties be paid without consumption of the commodity on which they are laid? and is there any other use of spirituous liquors than that of drinking them?

Surely, my lords, it is not expected, that any arguments should be admitted in this house without examination; and yet it might be justly imagined, that this assertion could only be offered in full confidence of an implicit reception, and this tenet be proposed only to those who had resigned their understandings to the dictates of the ministry; for it is implied in this position, that the plenty of a commodity diminishes the demand for it; and that the more freely it is sold, the less it will be bought. It implies, that men will lay voluntary restraints upon themselves, in proportion as they are indulged by their governours; and that all prohibitory laws tend to the promotion of the practices which they condemn; it implies, that a stop can only be put to fornication by increasing the number of prostitutes, and that theft is only to be restrained by leaving your doors open.

I am, for my part, convinced, that drunkards, as well as thieves, are made by opportunity; and that no man will deny himself what he desires, merely because it is allowed him by the laws of his country.

This, my lords, is so evident, that I shall no longer dwell upon the assertion, that the unbounded liberty of retailing

spirits will make spirits less used in the nation; but shall examine the second argument, and consider how far it is possible or proper to raise supplies by a tax upon drunkenness.

That large sums will be raised by the bill to which the consent of your lordships is now required, I can readily admit, because the consumption of spirits will certainly be greater, and the licenses taken for retailing them so numerous, that a much lower duty than is proposed will amount yearly to a very large sum; for if the felicity of drunkenness can be more cheaply obtained by buying spirits than ale, when both are to be found at the same place, it is easy to see which will be preferred; this argument, therefore, is irrefragable, and may be urged in favour of the bill without danger of confutation.

But, my lords, it is the business of governours not so much to drain the purses, as to regulate the morals of the people; not only to raise taxes, but to levy them in such a manner as may be least burdensome, and to apply them to purposes which may be most useful; not to raise money by corrupting the nation, that it may be spent in enslaving it.

It has been mentioned by a very celebrated writer, as a rational practice in the exercise of government, to tax such commodities as were abused to the increase of vice, that vice may be discouraged by being made more expensive; and therefore the community in time be set free from it: but the tax which is now proposed, my lords, is of a different kind; it is a tax laid upon vice, indeed, but it is to arise from the licenses granted to wickedness, and its consequences must be the increase of debauchery, not the restraint. It is a tax which will be readily paid, because it will be little felt; and because it will be little felt, it is hoped that multitudes will subject themselves to it.

The act which is now to be repealed, was, indeed, of a very different nature, though perhaps not free from very just objections. It had this advantage at least, that so far as it was put in execution, it obstructed drunkenness; nor has the examination of the officers of excise discovered any imperfection in the law; for it has only failed, because it was timorously or negligently executed.

Why it was not vigorously and diligently enforced, I have never yet been able to discover. If the magistrates were threatened by the populace, the necessity of such laws was more plainly proved; for what justifies the severity of coercion but the prevalence of the crime? and what may not be feared from crowds intoxicated with spirits, whose insolence and fury is already such, that they dare to threaten the government by which they are debarred from the use of them?

This, my lords, is a reflection that ought not to be passed slightly over. The nature of our constitution, happy as it is, must be acknowledged to produce this inconvenience, that it inclines the common people to turbulence and sedition; the nature of spirituous liquors is such, that they inflame these dispositions, already too much predominant; and yet the turbulence of the people is made a reason for licensing drunkenness, and allowing, without limitation, the sale of those spirits by which that turbulence must be certainly increased.

It may be, perhaps, urged, (for indeed I know not what else can be decently alleged,) that there is a necessity of raising money, that no other method can be invented, and that, therefore, this ought not to be opposed.

I know, my lords, that ministers generally consider, as the test of each man's loyalty, the readiness with which he concurs with them in their schemes for raising money; and that they think all opposition to these schemes, which are calculated for the support of the government, the effect of a criminal disaffection; that they always think it a sufficient vindication of any law, that it will bring in very large sums; and that they think no measures pernicious, nor laws dangerous, by which the revenue is not impaired.

If government was instituted only to raise money, these ministerial schemes of policy would be without exception; nor could it be denied, that the present ministers show themselves, by this expedient, uncommon masters of their profession. But the end of government is only to promote virtue, of which happiness is the consequence; and, therefore, to support government by propagating vice, is to

support it by means which destroy the end for which it was originally established, and for which its continuance is to be desired.

If money, therefore, cannot be raised but by this bill, if the expenses of the government cannot be defrayed but by corrupting the morals of the people, I shall without scruple declare, that money ought not to be raised, nor the designs of the government supported, because the people can suffer nothing from the failure of publick measures, or even from the dissolution of the government itself, which will be equally to be dreaded or avoided with an universal depravity of morals, and a general decay of corporeal vigour. Even the insolence of a foreign conqueror can inflict nothing more severe than the diseases which debauchery produces; nor can any thing be feared from the disorders of anarchy more dangerous or more calamitous, than the madness of sedition, or the miseries which must ensue to each individual from universal wickedness.

Such, my lords, is the expedient by which we are now about to raise the supplies for the present year; and such is the new method of taxation which the sagacity of our ministers has luckily discovered. A foreign war is to be supported by the destruction of our people at home, and the revenue of the government to be improved by the decay of our manufactures. We are to owe henceforward our power to epidemical diseases, our wealth to the declension of our commerce, and our security to riot and to tumult.

There is yet another consideration, my lords, which ought well to be regarded, before we suffer this bill to pass. Many laws are merely experimental, and have been made, not because the legislature thought them indisputably proper, but because no better could at that time be struck out, and because the arguments in their favour appeared stronger than those against them, or because the questions to which they related were so dark and intricate that nothing was to be determined with certainty, and no other method could therefore be followed, but that of

making the first attempts at hazard, and correcting these errours, or supplying these defects which might hereafter be discovered by those lights which time should afford.

Though I am far from thinking, my lords, that the question relating to the effects of this law is either doubtful or obscure; though I am certain that the means of reforming the vice which its advocates pretend it is designed to prevent, are obvious and easy; yet I should have hoped, that the projectors of such a scheme would have allowed at least the uncertainty of the salutary effects expected from it, and would, therefore, have made some provision for the repeal of it when it should be found to fail.

But, my lords, our ministers appear to have thought it sufficient to endear them to their country, and immortalize their names, that they have invented a new method of raising money, and seem to have very little regard to any part of the art of government; they will, at least in their own opinion, have deserved applause, if they leave the publick revenue greater, by whatever diminution of the publick virtue.

They have, therefore, my lords, wisely contrived a necessity of continuing this law, whatever may be its consequences, and how fatal soever its abuses; for they not only mortgage the duties upon spirits for the present supply, but substitute them in the place of another security given to the bank by the pot act; and, therefore, since it will not be easy to form another tax of equal produce, we can have very little hope that this will be remitted.

There will be, indeed, only one method of setting the nation free from the calamities which this law will bring upon it; and as I doubt not but that method will at last be followed, it will certainly deserve the attention of your lordships, as the third consideration to which, in our debates on this bill, particular regard ought to be paid.

That the license of drunkenness, and the unlimited consumption of spirituous liquors, will fill the whole kingdom with idleness, diseases, riots, and confusion, cannot be doubted; nor can it be questioned, but that in a very short time the senate will be crowded with petitions from

all the trading bodies in the kingdom, for the regulation of the workmen and servants, for the extinction of turbulence and riot, and for the removal of irresistible temptations to idleness and fraud. These representations may be for a time neglected, but must soon or late be heard; the ministers will be obliged to repeal this law, for the same reason that induced them to propose it. Idleness and sickness will impair our manufactures, and the diminution of our trade will lessen the revenue.

They will then, my lords, find that their scheme, with whatever prospects of profit it may now flatter them, was formed with no extensive views; and that it was only the expedient of political avarice, which sacrificed a greater distant advantage to the immediate satisfaction of present gain. They will find, that they have corrupted the people without obtaining any advantage by their crime, and that they must have recourse to some new contrivance by which their own errours may be retrieved.

In this distress, my lords, they can only do what indeed they now seem to design; they can only repeal this act by charging the debt, which it has enabled them to contract, upon the sinking fund, upon that sacred deposit which was for a time supposed unalienable, and from which arose all the hopes that were sometimes formed by the nation, of being delivered from that load of imposts, which it cannot much longer support. They can only give security for this new debt, by disabling us for ever from paying the former.

The bill now before us, my lords, will, therefore, be equally pernicious in its immediate and remoter consequences; it will first corrupt the people, and destroy our trade, and afterwards intercept that fund which is appropriated to the most useful and desirable of all political purposes, the gradual alleviation of the publick debt.

I hope, my lords, that a bill of this portentous kind, a bill big with innumerable mischiefs, and without one beneficial tendency, will be rejected by this house, without the form of commitment; that it will not be the subject of a debate amongst us, whether we shall consent to poison the

nation; and that instead of inquiring, whether the measures which are now pursued by the ministry ought to be supported at the expense of virtue, tranquillity, and trade, we should examine, whether they are not such as ought to be opposed for their own sake, even without the consideration of the immense sums which they apparently demand.

I am, indeed, of opinion, that the success of the present schemes will not be of any benefit to the nation, and believe, likewise, that there is very little prospect of success. I am, at least, convinced, that no advantage can countervail the mischiefs of this detestable bill; which, therefore, I shall steadily oppose, though I have already dwelt upon this subject perhaps too long; yet as I speak only from an unprejudiced regard to the publick, I hope, if any new arguments shall be attempted, that I shall be allowed the liberty of making a reply.

Lord BATHURST replied to the following purport:—My lords, I doubt not but the noble lord has delivered, on this occasion, his real sentiments, and that, in his opinion, the happiness of our country, the regard which ought always to be paid to the promotion of virtue, require that this bill should be rejected. I am far from suspecting, that such an appearance of zeal can conceal any private views, or that such pathetick exclamations can proceed but from a mind really affected with honest anxiety.

This anxiety, my lords, I shall endeavour to dissipate before it has been communicated to others; for I think it no less the duty of every man who approves the publick measures, to vindicate them from misrepresentation, than of him to whom they appear pernicious or dangerous, to warn his fellow-subjects of that danger.

I, my lords, am one of those who are convinced that the bill now before us, which has been censured as fundamentally wrong, is in reality fundamentally right; that the end which is proposed by it is just, and the means which are prescribed in it will accomplish the purpose for which they were contrived.

The end of this bill, my lords, is to diminish the consumption of distilled spirits, to restrain the populace of

these kingdoms from a liquor which, when used in excess, has a malignity to the last degree dangerous, which at once inebriates and poisons, impairs the force of the understanding, and destroys the vigour of the body; and to attain this, I think it absolutely right to lay a tax upon these liquors.

Of the vice of drunkenness, my lords, no man has a stronger abhorrence than myself; of the pernicious consequences of these liquors, which are now chiefly used by the common people, no man is more fully convinced, and therefore, none can more zealously wish that drunkenness may be suppressed, and distilled spirits withheld from the people.

The disorders mentioned by the noble lord, are undoubtedly the consequences of the present use of these liquors, but these are not its worst effects. The offenders against the law, may by the law be sometimes reclaimed, and at other times cut off; nor can these practices, however injurious to particular persons, in any great degree impair the general happiness. The worst effects, therefore, of the use of spirits, are that idleness and extravagance which it has introduced among the common people, by which our commerce must be obstructed, and our present riches and plenty every day diminished.

This pernicious practice, my lords, is disseminated farther than could be reasonably believed by those whose interest has not incited, or curiosity induced them to inquire into the practice of the different classes of men. It is well known, that the farmers have been hitherto distinguished by the virtues of frugality, temperance, and industry; that they laboured hard, and spent little; and were, therefore, justly considered as an innocent and useful part of the community, whose employment and parsimony preserved them in a great measure from the general infection of vice which spread its influence among the traders and men of estates.

But even this abstemious class of men, my lords, have of late relaxed their frugality, and suffered themselves to be tempted by this infatuating liquor; nor is any thing

now more common than to find it in those houses in which ale, a few years ago, was the highest pitch of luxury to which they aspired, and to see those hours wasted in intoxicating entertainments, which were formerly dedicated wholly to the care of their farms, and the improvement of their fortunes.

Thus, my lords, it appears, that the corruption is become universal, and, therefore, that some remedy ought to be attempted; nor can I conceive any measures more consistent with justice, or more likely to produce the end intended by them, than those which are now offered to your consideration, by which the liquor will be made dearer, too dear to be lavishly drank by those who are in most danger of using it to excess; and the number of those who retail it will be diminished by the necessity of taking a license, and of renewing them every year at the same expense.

The inefficacy, my lords, of violent methods, and the impossibility of a total deprivation of any enjoyment which the people have by custom made familiar and dear to them, sufficiently appears from the event of the law which is now to be repealed. It is well known, that by that law the use of spirituous liquors was prohibited to the common people; that retailers were deterred from vending them by the utmost encouragement that could be given to informers; and that discoveries were incited by every art that could be practised, and offenders punished with the utmost rigour.

Yet what was the effect, my lords, of all this diligence and vigour? A general panick suppressed, for a few weeks, the practice of selling the prohibited liquors; but, in a very short time, necessity forced some, who had nothing to lose, to return to their former trade; these were suffered sometimes to escape, because nothing was to be gained by informing against them, and others were encouraged by their example to imitate them, though with more secrecy and caution; of those, indeed, many were punished, but many more escaped, and such as were fined often found the profit greater than the loss.

The prospect of raising money by detecting their prac-

tices, incited many to turn information into a trade; and the facility with which the crime was to be proved, encouraged some to gratify their malice by perjury, and others their avarice; so that the multitude of informations became a publick grievance, and the magistrates themselves complained that the law was not to be executed.

The perjuries of informers were now so flagrant and common, that the people thought all informations malicious; or, at least, thinking themselves oppressed by the law, they looked upon every man that promoted its execution, as their enemy; and, therefore, now began to declare war against informers, many of whom they treated with great cruelty, and some they murdered in the streets.

By their obstinacy they at last wearied the magistrates, and by their violence they intimidated those who might be inclined to make discoveries; so that the law, however just might be the intention with which it was enacted, or however seasonable the methods prescribed by it, has been now for some years totally disused; nor has any one been punished for the violation of it, because no man has dared to offer informations. Even the vigilance of the magistrates has been obliged to connive at these offences, nor has any man been found willing to engage in a task, at once odious and endless, or to punish offences which every day multiplied, and of which the whole body of the common people, a body very formidable when united, was universally engaged.

The practice, therefore, of vending and of drinking distilled spirits, has prevailed for some time without opposition; nor can any man enter a tavern or an alehouse, in which they will be denied him, or walk along the streets without being incited to drink them at every corner; they have been sold for several years, with no less openness and security than any other commodity; and whoever walks in this great city, will find his way very frequently obstructed by those who are selling these pernicious liquors to the greedy populace, or by those who have drank them till they are unable to move.

But the strongest proof of the inefficacy of the late law,

and consequently of the necessity of another, which may not be so easily eluded or so violently resisted, is given by the papers which lie upon the table. From these it appears that the quantity of spirits distilled has increased from year to year to the present time; and, therefore, that drunkenness is become more prevalent, and the reasons for repressing it more urgent than ever before.

Let us, therefore, calmly consider, my lords, what can in this exigence be done; that the people should be allowed to poison themselves and their posterity without restraint, is certainly not the intent of any good man; and therefore we are now to consider how it may be prevented. That the people are infected with the vice of drunkenness, that they debauch themselves chiefly with spirituous liquors, and that those liquors are in a high degree pernicious, is confessed both by those who oppose the bill, and those who defend it; but with this advantage on the part of those that defend it, that they only propose a probable method of reforming the abuses which they deplore. I know that the warm resentment which some lords have on former occasions expressed against the disorders which distilled liquors are supposed to produce, may naturally incline them to wish that they were totally prohibited, and that this *liquid fire*, as it has been termed, were to be extinguished for ever.

Whether such wishes are not more ardent than rational; whether their zeal against the abuse of things, indifferent in themselves, has not, as has often happened in other cases, hurried them into an indiscreet censure of the lawful use, I shall not now inquire; because it is superfluous to dispute about the propriety of measures, of which the possibility may be justly questioned.

This last act, my lords, was of this kind; the duties established by it were so high that they wholly debarred the lower classes of the people from the liquor on which they were laid; and, therefore, it was found by a very short experience, that it was impossible to preserve it from violation; that there would be no end of punishing those

who offended against it; and that severity produced rather compassion than terrour. Those who have suffered the penalties were considered as persons under unjust persecution, whom every one was obliged by the ties of humanity to encourage, reward, and protect; and those who informed against them, or encouraged informations, were detested, as the oppressors of the people. The law had, indeed, this effect, that it debarred, at least for a short time, all those from retailing spirits who lived in reputation; and, therefore, encouraged others to vend them in private places, where they were more likely to be drank to excess.

Having, therefore, made trial of violent and severe methods, and had an opportunity of obtaining a full conviction of their inefficacy, it is surely proper to profit by our experience, by that experience which shows us that the use of distilled liquors, under its present discouragements, has every year increased; and, therefore, proves at once the unprofitableness of the law now in force, and the necessity of some other by which the same purposes may be more certainly promoted.

The reformation of a vice so prevalent must be slow and gradual; for it is not to be hoped, that the whole bulk of the people will at once be divested of their habits; and, therefore, it will be rational to endeavour, not wholly to debar them from any thing in which, however absurdly, they place their happiness, but to make the attainment of it more and more difficult, that they may insensibly remit their ardour, and cease from their pursuit.

This, my lords, is proposed in the present bill, which, by the duties which are to be laid upon distilled spirits, will raise the price a third part, and as it is reasonable to expect, hinder a third part of the consumption; for it is observed, that those who drink them set no limits to their excesses, but indulge their appetites to the utmost of their power; if he, therefore, who used to spend threepence a-day in spirits, can now have no more than could formerly be bought for twopence, he must necessarily content him-

self with only two thirds of the quantity which he has hitherto drank; and, therefore, must by force, though, perhaps, not by inclination, be less intemperate.

It is not to be doubted, my lords, but that spirits will, by this additional duty, be made one third part dearer; for it has been hitherto observed, that retailers levy upon the buyer twice the duty that is paid to the government, as is every day apparent in other commodities; so that the yearly quantity of spirits which is usually distilled will cost five hundred thousand pounds more than before, a tax which, I suppose, those who are charged with this kind of debauchery will not be supposed able to pay, and which yet must be paid by them, unless they will be content with a less quantity.

That spirits will now be sold in every publick-house, of whatever denomination, has been, I believe, justly asserted; but the assertion has not been properly urged as an argument against the bill. One of the circumstances which has contributed to the enormous abuse of these liquors, has been the practice of retailing them in obscure places, by persons without character and without money; who, therefore, neither feared penalties nor infamy, and offended against law and decency with equal security. But when the cheapness of licenses shall make it convenient for every man that pleases to retail spirits in a publick manner, they will be generally drank in houses visited by publick officers, observed by the neighbouring inhabitants, and frequented by persons of morals and civility, who will always endeavour to restrain all enormous excesses, and oblige the masters of the houses to pay some regard to the laws. Those whose appetites are too importunate to be restrained, may now gratify them without being tempted to enter into houses of infamy, or mingling with beggars, or thieves, or profligates; and, therefore, though the use of spirits should continue the same, its consequences will be less fatal, since they may be had without the necessity of associating with wickedness.

But, my lords, it is not improbable, that by this bill the number of retailers, at least in this city, where they are

most pernicious, may be lessened. It is well known, that the reason for which they are sold in cellars, and in the streets, is the danger of retailing them in other places; and that if they were generally sold by those who could procure the best of each sort, these petty traders would be immediately undone; for it is reasonable to imagine, my lords, that they buy the cheapest liquors, and sell them at the dearest rate.

When, therefore, reputable houses shall be opened for the sale of these liquors, decency will restrain some, and prudence will hinder others from endangering their health by purchasing those liquors which are offered in the street, and from hazarding their morals, or perhaps their lives, by drinking to excess in obscure places.

It is likewise to be remembered, my lords, that many of those who now poison their countrymen with petty shops of debauchery, are not able to purchase a license, even at the cheap rate at which it is now proposed, and that therefore they will be restrained from their trade by a legal inability; for it is not, my lords, to be imagined, that they will be defended with equal zeal by the populace, when the liquors may be had without their assistance, nor will information be equally infamous, when it is not the act only of profligates, who pursue the practice of it as a trade, but of the proper officers of every place, incited by the lawful venders of the same commodities, or of the venders themselves, who will now be numerous enough to protect each other, and whom their common interest will incite against clandestine dealers.

The price of licenses, therefore, appears to me very happily adjusted: had it been greater there would not have been a sufficient number of lawful retailers to put a stop to clandestine sellers; and if it was lower, every petty dealer in this commodity might, by pretending to keep an alehouse, continue the practice of affording an harbour to thieves, and of propagating debauchery.

Thus, my lords, it appears to me that the bill will lessen the consumption of these destructive spirits, certainly in a great degree, by raising the price, and probably by trans-

ferring the trade of selling them into more reputable hands. What more can be done by human care or industry I do not conceive. To prohibit the use of them is impossible, to raise the price of them to the same height with that of foreign spirits, is, indeed, practicable, but surely at this time no eligible method; for so general is this kind of debauchery, that no degree of expense would entirely suppress it; and as foreign spirits, if they were to be sold at the same price, would always be preferred to our own, we should only send into other nations that money which now circulates among ourselves, and impoverish the people without reforming them.

The regulation provided by the bill before us is, therefore, in my opinion, the most likely method for recovering the ancient industry and sobriety of the common people; and, my lords, I shall approve it, till experience has shown it to be defective. I shall approve it, not with a view of obtaining or securing the favour of any of those who may be thought to interest themselves in its success, but because I find some new law for this purpose indispensably necessary, and believe that no better can be contrived.

We are now, my lords, to contend with the passions of all the common people. We are endeavouring to reform a vice almost universal; a vice which, however destructive, is now no longer reproachful. We have tried the force of violent methods and found them unsuccessful; we are now, therefore, to treat the vulgar as children, with a kind of artful indulgence, and to take from them secretly, and by degrees, what cannot be wholly denied them, without exasperating them almost to rebellion.

This is the first attempt, and by this, if one third of the consumption be diminished, we may next year double the duty, and, by a new augmentation of the price, take away another third, and what will then be drank, will, perhaps, by the strictest moralists, be allowed to be rather beneficial than hurtful.

By this gradual procedure, we shall give those, who have accustomed themselves to this liquor, time to reclaim their appetites, and those that live by distilling, opportuni-

ties of engaging in some other employment; we shall remove the distemper of the publick, without any painful remedies, and shall reform the people insensibly, without exasperating or persecuting them.

The bishop of OXFORD spoke to the following purport:—My lords, as I am not yet convinced of the expedience of the bill now before us, nor can discover any reason for believing that the advantages will countervail the mischiefs which it will produce, I think it my duty to declare, that I shall oppose it, as destructive to virtue, and contrary to the inviolable rules of religion.

It appears to me, my lords, that the liberty of selling liquors, which are allowed to be equally injurious to health and virtue, will by this law become general and boundless; and I can discover no reason for doubting that the purchasers will be multiplied by increasing the numbers of the venders, and the increase of the sale of distilled spirits, and the propagation of all kinds of wickedness are the same; I must conclude that bill to be destructive to the publick by which the sale of spirits will be increased.

It has been urged that other more vigorous methods have been tried, and that they are now to be laid aside, because experience has shown them to be ineffectual, because the people unanimously asserted the privilege of debauchery, opposed the execution of justice, and pursued those with the utmost malice that offered informations.

I should think, my lords, that government approaching to its dissolution, that was reduced to submit its decrees to their judgment who are chiefly accused of the abuse of these liquors; for surely, when the lowest, the most corrupt part of the people, have obtained such a degree of influence as to dictate to the legislature those laws by which they expect to be governed, all subordination is at an end.

This, my lords, I hope I shall never see the state of my own country: I hope I shall never see the government without authority to enforce obedience to the laws, nor have I, indeed, seen any such weakness on this occasion: the opposition that was made, and the discontent that was

excited, were no greater than might be reasonably expected, when the vice which was to be reformed was so enormously predominant; nor was the effect of the law less than any one who foresaw such opposition might reasonably have conceived.

In this city alone there were, before the commencement of that law, fifteen hundred large shops, in which no other trade was carried on than that of retailing these pernicious liquors; in which no temptation to debauchery was forgotten; and, what cannot be mentioned without horrour, back rooms and secret places were contrived for receptacles of those who had drank till they had lost their reason and their limbs; there they were crowded together till they recovered strength sufficient to go away or drink more.

These pestilential shops, these storehouses of mischief, will, upon the encouragement which this law will give them, be set open again; new invitations will be hung out to catch the eyes of passengers, who will again be enticed with promises of being made drunk for a penny, and that universal debauchery and astonishing licentiousness which gave occasion to the former act will return upon us.

It is to little purpose, my lords, that the licenses for selling distilled spirits are to be granted only to those who profess to keep houses for the sale of other liquors, since nothing will be more easy than to elude this part of the law. Whoever is inclined to open a shop for the retail of spirits, may take a license for selling ale; and the sale of one barrel of more innocent liquors in a year will entitle to dispense poison with impunity, and to contribute without control to the corruption of mankind.

It is confessed, that since this law was made, these liquors have been sold only at corners of the streets in petty shops, and in private cellars; and, therefore, it must be allowed, that if the consumption has increased, it has, at least, increased less than if the free and open sale had been permitted; for the necessity of secrecy is always a restraint, and every restraint must in some degree obstruct any practice, since those that follow it under restraint

would pursue it more vigorously, if that restraint were taken away; and those that are now totally hindered, would, at least, be more strongly tempted by greater liberty; and where the temptation is more powerful, more will probably be overcome by it.

But, my lords, however the law may in this crowded city have been eluded and defied, however drunkenness may here have been protected by the insolence which it produces, and crimes have been sheltered by the multitudes of offenders, I am informed, that in parts less populous, the efficacy of the late act never was denied; and that it has in many parts rescued the people from the miseries of debauchery, and only failed in others by the negligence of those to whom the execution of it was committed.

Negligently and faintly as it was executed, it did in effect hinder many from pursuing this destructive kind of trade; and even in the metropolis itself, almost a total stop was for a time put to the use of spirits; and had the magistrates performed their duty with steadiness and resolution, it is probable, that no plea would have arisen in favour of this bill from the inefficacy of the last.

I cannot, indeed, deny, that the multitude of false informers furnished the magistrates with a very specious pretence for relaxing their vigilance; but it was only, my lords, a specious pretence, not a warrantable reason; for the same diligence should have been used to punish false informers as clandestine retailers; the traders in poison and in perjury should have been both pursued with incessant vigour, the sword of justice should have been drawn against them, nor should it have been laid aside, till either species of wickedness had been exterminated.

In the execution of this, as of other penal laws, my lords, it will be always possible for the judge to be misled by false testimonies; and, therefore, the argument which false informations furnish may be used against every other law, where information is encouraged. Yet, my lords, it has been long the practice of this nation to incite criminals to detect each other; and when any enormous crime is

committed, to proclaim at once pardon and rewards to him that shall discover his accomplices. This, my lords, is an apparent temptation to perjury; and yet no inconveniencies have arisen from it, that can reasonably induce us to lay it aside.

Perjury may in the execution of this law be detected by the same means as on other occasions; and whenever it is detected, ought to be rigorously punished; and I doubt not but in a short time the *difficulties* and *inconveniencies* which are asserted in the preamble of this bill to have *attended the putting the late act in execution,* would speedily have vanished; the number of delinquents would have been every day lessened, and the virtue and industry of the nation would have been restored.

It is not, indeed, asserted, that the execution of the late act was impossible, but that it was attended with difficulties; and when, my lords, was any design of great importance effected without difficulties? It is difficult, without doubt, to restrain a nation from vice; and to reform a nation already corrupted, is still more difficult. But as both, however difficult, are necessary, it is the duty of government to endeavour them, till it shall appear that no endeavours can succeed.

For my part, my lords, I am not easily persuaded to believe that remissness will succeed, where assiduity has failed; and, therefore, if it be true, as is supposed in the preamble, that the former act was ineffectual by any defects in itself, I cannot conceive that this will operate with greater force. I cannot imagine that appetites will be weakened by lessening the danger of gratifying them, or that men who will break down the fences of the law to possess themselves of what long habits have, in their opinion, made necessary to them, will neglect it, merely because it is laid in their way.

With regard to this act, my lords, it is to be inquired, whether it is likely to be executed with more diligence than the former, and whether the same obstacles may not equally obstruct the execution of both.

The great *difficulty* of the former method, a method

certainly in itself reasonable and efficacious, arose from the necessity of receiving informations from the meanest and most profligate of the people, who were often tempted to lay hold of the opportunities which that law put into their hands, of relieving their wants, or gratifying their resentment; and very frequently intimidated the innocent by threats of accusations, which were not easily to be confuted. They were, therefore, equally dangerous to those that obeyed the act, and to those that disregarded it; for they sometimes put their threats in execution, and raised prosecutions against those who had committed no other crime than that of refusing to bribe them to silence.

An abuse so notorious, my lords, produced a general detestation of all informers, or, at least, concurred with other causes to produce it; and that detestation became so prevalent in the minds of the populace, that at last it became to the highest degree dangerous to attempt the conviction of those, who, in the most open and contemptuous manner, every day violated the laws of their country; and in time the retailers trusting to the protection of the people, laid aside all cautions, at least in this great city, and prosecuted their former practice with the utmost security.

This, my lords, was the chief *difficulty* and *inconvenience* hitherto discovered in the law which is now to be repealed. Thus was its execution obstructed, and the provisions enacted by it made ineffectual. This defect, therefore, ought to be chiefly regarded in any new regulations. But what securities, my lords, are provided against the same evil in the bill before us? Or why should we imagine that this law will be executed with less opposition than the last? The informers will undoubtedly be of the same class as before; they are still to be incited by a reward; and, therefore, it may be reasonably feared, that they will act upon the same motives, and be persecuted with the same fury.

To obviate this inconvenience appears to me very easy, by converting the duty upon licenses to a large duty upon the liquors to be paid by the distiller; the payment of

which will be carefully exacted by proper officers, who, though their employment is not very reputable, pursue it at least without any personal danger; and who inform their superiours of any attempts to defraud the revenue, without being censured as officious or revengeful, and, therefore, are without any terrours to hinder them from their duty.

It has been asserted, indeed, that the price of a license is now so small, that none who are inclined to deal in spirits will neglect to secure themselves from punishment and vexation by procuring it; and that no man will subject himself to the malice of a profligate, by carrying on an illicit trade, which the annual expense of twenty shillings will make legal.

If this argument be just, my lords, and to the greatest part of this assembly I believe it will appear very plausible, how will this law lessen the consumption of distilled liquors? It is confessed that it will hinder nobody from selling them; and it has been found, by experience, that nothing can restrain the people from buying them, but such laws as hinder them from being sold.

This plea, therefore, by removing an objection to a particular clause, will strengthen the great argument against the tenour of the bill, that instead of lessening, it will increase the consumption of those liquors which are allowed to be destructive to the people, to enfeeble the body, and to vitiate the mind, and, consequently, to impair the strength and commerce of the nation, and to destroy the happiness and security of life.

That the cheapness of licenses will induce multitudes to buy them, may be expected; but it cannot be hoped that every one will cease to sell spirits without a license; for they are, as I am informed, offered every hour in the streets by those to whom twenty shillings make a very large sum, and who, therefore, will not, or cannot purchase a license. These ought, undoubtedly, to be detected and punished; but there is no provision made for discovering them, but what has been found already to be ineffectual.

It appears, therefore, my lords, that this bill will in-

crease the number of lawful retailers, without diminishing that of private dealers; so that the opportunities of debauchery will be multiplied, in proportion to the numbers who shall take licenses.

There is another fallacy by which the duties upon distilled liquors have been hitherto avoided, and which will still make this bill equally useless as the former, for the ends which are to be promoted by it.

It is expected, my lords, by those who purchase spirits from the distillers, that they should be of a certain degree of strength, which they call *proof:* if they are of a lower degree, their price is diminished; and if of a higher, it is raised proportionally; because if the spirits exceed the degree of strength required, they may be mixed with other liquors of little value, and still be sold to the drinker at the common price.

It is, therefore, the practice of the distillers to give their spirits thrice the degree of strength required, by which contrivance, though they pay only the duty of one pint, they sell their liquors at the price of three; because it may be increased to thrice the quantity distilled, and yet retain sufficient strength to promote the purposes of wickedness.

This practice, my lords, should be likewise obviated; for while one gallon, after having paid the present low duty which is laid upon it, may be multiplied to three, the additional price will, in the small quantities which are usually demanded, become imperceptible.

But to show yet farther the inefficacy of this bill, let us suppose, what will not be found by experience, that a halfpenny is added to the price of every pint, it will yet be very practicable to revel in drunkenness for a penny, since a very small quantity of these hateful liquors is sufficient to intoxicate those who have not been habituated to the use of them; who though their reformation is, undoubtedly, to be desired, do not so much demand the care of the legislature, as those who are yet untainted with this pernicious practice, and who may, perhaps, by the frequency of temptation, and the prevalence of example, be induced in time

to taste these execrable liquors, and perish in their first essays of debauchery. For such is the quality of these spirits, that they are sometimes fatal to those who indiscreetly venture upon them without caution, and whose stomachs have not been prepared for large draughts, by proper gradations of intemperance; a single spoonful has been found sufficient to hurry two children to the grave.

It is, therefore, my opinion, that those whose stations and employments make it their duty to superintend the conduct of their fellow-subjects, ought to contrive some other law on this occasion; ought to endeavour to rescue the common people from the infatuation which is become general amongst them, and to withhold from them the means of wickedness. That instead of complying with their prejudices, and flattering their appetites, they should exert that authority with which they are intrusted in a steady and resolute opposition to predominant vices; and without having recourse to gentle arts, and temporizing expedients, snatch out of their hands at once those instruments which are only of use for criminal purposes, and take from their mouths that draught with which, however delicious it may seem, they poison at once themselves and their posterity.

The only argument which can be offered in defence of this bill, is the necessity of supporting the expenses of the war, and the difficulty of raising money by any other method. The necessity of the war, my lords, I am not about to call in question, nor is it very consistent with my character to examine the method in which it has been carried on; but this I can boldly assert, that however just, however necessary, however prudently prosecuted, and however successfully concluded, it can produce no advantages equivalent to the national sobriety and industry, and am certain that no publick advantage ought to be purchased at the expense of publick virtue.

But, my lords, I hope we are not yet reduced to the unhappy choice either of corrupting our people, or submitting to our enemies; nor do I doubt but that supplies may be obtained by methods less pernicious to the publick, and

that funds sufficient for the present occasion may be established without a legal establishment of drunkenness.

I hope, my lords, we shall not suffer our endeavours to be baffled by the obstinacy of drunkards; and that we shall not desist from endeavouring the recovery of the nation from this hateful vice, because our first attempt has failed, since it failed only by the negligence or the cowardice of those whose duty required them to promote the execution of a just law.

Against the bill now before us I have thought it my duty to declare, as it appears to me opposite to every principle of virtue, and every just purpose of government; and therefore, though I have engrossed so much of your time in speaking on a subject with which it cannot reasonably be expected that I should be well acquainted, I hope I shall easily be pardoned by your lordships, since I have no private views either of interest or resentment to promote, and have spoken only what my conscience dictates, and my duty requires.

Lord TALBOT then rose up, and spoke to the following purport:—My lords, I am ashamed that there should be any necessity of opposing in this assembly a bill like that which is now before us; a bill crowded with absurdities, which no strength of eloquence can exaggerate, nor any force of reason make more evident.

This bill, my lords, is, however, the first proof that our new ministers have given of their capacity for the task which they have undertaken; this is a specimen of their sagacity, and is designed by them as an instance of the gentle methods by which the expenses of the government are hereafter to be levied upon the people. The nation shall no longer see its manufactures subjected to imposts, nor the fruits of industry taken from the laborious artificer; but drunkenness shall hereafter supply what has hitherto been paid by diligence and traffick; the restraints of vice shall be taken away, the barriers of virtue and religion broken, and an universal licentiousness shall overspread the land, that the schemes of the ministry may be executed.

What are the projects, my lords, that are to be pursued

by such means, it is not my present purpose to inquire: it is not necessary to add any aggravations to the present charge, or to examine what has been the former conduct, or what will be the future actions of men who lie open by their present proposal to the most atrocious accusations; who are publickly endeavouring the propagation of the most pernicious of all vices, who are laying poison in the way of their countrymen, poison by which not only the body, but the mind is contaminated; who are attempting to establish by a law a practice productive of all the miseries to which human nature is incident; a practice which will at once disperse diseases and sedition, and promote beggary and rebellion.

This, my lords, is the expedient by which the acuteness of our ministry proposes to raise the supplies of the present year, and by this they hope to convince the nation that they are qualified for the high trusts to which they are advanced; and that they owe their exaltation only to the superiority of their abilities, the extent of their knowledge, and the maturity of their experience: by this masterstroke of policy they hope to lay for their authority a firm and durable foundation, and to possess themselves, by this happy contrivance, at once of the confidence of the crown, and the affections of the people.

But, my lords, I am so little convinced of their abilities, that amidst all the exultation which this new scheme produces, I will venture to predict the decline of their influence, and to fix the period of their greatness; for I am persuaded, that notwithstanding the readiness with which they have hitherto sacrificed the interest of their country, notwithstanding the desperate precipitation with which they have blindly engaged in the most dangerous measures, they will not be able to continue a year in their present stations.

The bill now under our consideration, my lords, will undoubtedly make all those their enemies whom it does not corrupt; for what can be expected from it, but universal disorder and boundless wickedness? wickedness made insolent by the protection of the law, and disorder promoted

by all those whose wealth is increased by the increase of the revenues of the government.

Had it been urged, my lords, in defence of this bill, that it was necessary to raise money, and that money could only be raised by increasing the consumption of distilled spirits, it would have been apparent that it was well calculated to promote the purposes intended; but, surely, to assert that it will obstruct the use of these liquors, is to discover a degree either of ignorance, of effrontery, or of folly, by which few statesmen have been, hitherto, distinguished.

If we receive, without examination, the estimates which have been laid down, and allow the duty to rise as high as those by whom it is projected have ventured to assert, the price of these liquors can be raised but a halfpenny a pint; and there are few, even among the lowest of those who indulge themselves in this fatal luxury, whom the want of a single halfpenny can often debar from it.

And though these accurate calculators should insist that men may sometimes be compelled to sobriety by this addition to the expense of being drunk, yet how far will this restraint be found from being equivalent to the new temptation, which will be thrown into the way of thousands, yet uncorrupted by the multitude of new shops that will be opened for the distribution of poison, and the security which debauchery will obtain from the countenance of the legislature.

What will be the consequences of any encouragement given to a vice already almost irresistibly prevalent, I cannot determine; but surely nothing is too dismal to be expected from universal drunkenness, from a general depravity of all the most useful part of mankind, from an epidemical fury of debauchery, and an unbounded exemption from restraint.

How little any encouragement is wanting to promote the consumption of those execrable liquors, how much it concerns every man who has been informed of their quality, and who has seen their consequences, to oppose the use of them with his utmost influence, appears from the

enormous quantity which the stills of this nation annually produce.

The number of gallons which appears from the accounts on the table to have been consumed last year, is seven millions; a quantity sufficient to destroy the health, interrupt the labour, and deprave the morals of a very great part of the nation; a quantity which, if it be suffered to continue undiminished, will, even without any legal encouragement of its use, in a short time destroy the happiness of the publick; and by impairing the strength, and lessening the number of manufacturers and labourers, introduce poverty and famine.

Instead, therefore, of promoting a practice so evidently detrimental to society, let us oppose it with the most vigorous efforts; let us begin our opposition by rejecting this bill, and then consider whether the execution of the former law shall be enforced, or whether another more efficacious can be formed.

Lord CHOLMONDELEY then spoke to the following effect:—My lords, though it is undoubtedly the right of every person in this assembly to utter his sentiments with freedom, yet surely decency ought to restrain us from virulent, and justice from undeserved reproaches; we ought not to censure any conduct with more severity than it deserves, nor condemn any man for practices of which he is innocent.

This rule, which will not, I suppose, be controverted, has not, in my opinion, been very carefully observed in this debate; for surely nothing is more unjust than to assert or insinuate that the government has looked idly upon the advances of debauchery, or has suffered drunkenness to prevail without opposition.

Of the care with which this licentiousness has been opposed, no other proof can be required, than the laws which have, in the present reign, been made against it. Soon after the succession of his majesty, the use of compound spirits was prohibited; but this law being eluded by substituting liquors, so drawn as not to be included in the statutes, it was soon after repealed; and the people were,

for a time, indeed, suffered to drink distilled liquors without restraint, because a proper method of restraining them was not easily to be found.

How difficult it was to contrive means by which this vice might safely be prevented, appeared more plainly soon afterwards, when the outrageous licentiousness of the populace made it necessary to contrive some new law by which the use of that liquor might be prohibited, to which so much insolence, idleness, and dissoluteness were imputed.

The law which it is now proposed to repeal, was then zealously promoted by those who were then most distinguished for their virtue and their prudence. Every man who had any regard for the happiness of the publick, was alarmed at the inundation of licentiousness that overflowed this city, and began to spread itself to the remoter parts of the kingdom; and it was determined that nothing but a total prohibition of distilled liquors could preserve the peace, and restore the virtue of the nation.

A law was therefore made, which prohibited the retail of distilled spirits; and it was expected that the people would immediately return to the use of more innocent and healthful liquors, and that the new art of sudden intoxication would be wholly suppressed; but with how little knowledge of the dispositions of the nation this hope was formed, the event quickly discovered; for no sooner was the darling liquor withheld, than a general murmur was raised over all parts of this great city; and all the lower orders of the people testified their discontent in the most open manner. Multitudes were immediately tempted by the prospect of uncommon gain, to retail the prohibited liquors; of these many were detected, and many punished; and the trade of information was so lucrative, and so closely followed, that there was no doubt but the law would produce the effect expected from it, and that the most obstinate retailers would, by repeated prosecutions, be discouraged from the practice.

But no sooner did the people find their favourite gratification in real danger, than they unanimously engaged in its defence; they discovered that without informers, the

new law was without operation; and the informers were, therefore, persecuted by them without mercy, and without remission, till at last no man would venture to provoke the resentment of the populace for the reward to which information entitled him.

Thus, my lords, one law has been eluded by artifice, and another defeated by violence; the practice of drinking spirits, however pernicious, still continued to prevail; the magistrates could not punish a crime of which they were not informed, and they could obtain no information of a practice vindicated by the populace.

It is not, indeed, to be allowed that the custom of drinking distilled liquors, however prevalent, has yet arisen to the height at which the noble lord, who spoke last, seems to imagine it arrived; for though it is undoubtedly true that seven millions of gallons are annually distilled, it is not to be imagined that the whole quantity is wasted in debauchery; some is exhausted by the necessities, and some by the conveniencies of life; a great part is exported to other countries, and the distillery promotes many other purposes than those of riot and licentiousness.

That too much, however, is used by the common people, and that intemperance has for some time prevailed in a degree unknown to any former age, cannot be denied; and, therefore, some means of reclaiming them ought to be tried. What then, my lords, is to be done? The first law was eluded, the second is defied: the first was executed, but produced no restraint; the second produces a restraint so violent, that it cannot be executed.

That the present law is ineffectual, cannot be doubted by those who assert, that the quantity of spirits distilled has every year increased; and there seems to remain, therefore, no other choice than that of suffering this increase to proceed, or to endeavour to prevent it by new regulations. The present law ought to be repealed, because it is useless; but surely some other ought to supply its place, which may be more easily enforced, and less violently opposed.

The bill now before us, my lords, will, in my opinion,

answer all the purposes of the last, without noise, and without disturbance. By lessening the price of licenses, it will put a stop to clandestine retail; and by raising that of the liquors, it will hinder the common people from drinking them in their usual excess. Those who have hitherto lost their reason and limbs twice a-day by their drunkenness, will not be able, under the intended regulations, to commit the same crime twice in a week; and as the temptation of cheapness will be taken away, it may be hoped that the next generation will not fall into the same vice.

Since, therefore, my lords, the arguments in favour of this bill are at least plausible and specious; since the design appears to be worthy of this assembly, and the method proposed such as may be hoped to produce the effects which the projectors of the bill desire; and since the opinions of this house are at least divided, and the other has passed it almost without opposition, we ought at least, in my opinion, not to reject it with precipitation, but to refer it to a committee, that it may be fully considered; and those objections which cannot be answered, removed by proper alterations.

Lord CARTERET spoke to the following purport:—My lords, the bill now under our consideration appears to me to deserve a much more close regard than seems to have been paid to it in the other house, through which it was hurried with the utmost precipitation, and where it was passed, almost without the formality of a debate; nor can I think that earnestness with which some lords seem inclined to press it forward here, consistent with the importance of the consequences which may be with great reason expected from it.

It has been urged, that where so great a number have formed expectations of a national benefit from any bill, so much deference, at least, is due to their judgment, as that the bill should be considered in a committee. This, my lords, I admit to be in other cases a just and reasonable demand, and will readily allow that the proposal not only of a considerable number, but even of any single lord,

ought to be fully examined, and regularly debated, according to the usual forms of this assembly. But in the present case, my lords, and in all cases like the present, this demand is improper, because it is useless; and it is useless, because we can do now all that we can do hereafter in a committee. For the bill before us is a money bill, which, according to the present opinion of the commons, we have no right to amend; and which, therefore, we have no need of considering in a committee, since the event of all our deliberations must be, that we are either to reject or pass it in its present state. For I suppose no lord will think this a proper time to enter into a controversy with the commons for the revival of those privileges to which I believe we have a right, and such a controversy the least attempt to amend a money bill will certainly produce.

To desire, therefore, my lords, that this bill may be considered in a committee, is only to desire that it may gain one step without opposition; that it may proceed through the forms of the house by stealth, and that the consideration of it may be delayed till the exigencies of the government shall be so great as not to allow time for raising the supplies by any other method.

By this artifice, gross as it is, the patrons of this wonderful bill hope to obstruct a plain and open detection of its tendency. They hope, my lords, that the bill shall operate in the same manner with the liquor which it is intended to bring into more general use; and that as those that drink spirits are drunk before they are well aware that they are drinking, the effects of this law shall be perceived before we know that we have made it. Their intent is to give us a dram of policy, which is to be swallowed before it is tasted, and which, when once it is swallowed, will turn our heads.

But, my lords, I hope we shall be so cautious as to examine the draught which these state empirics have thought proper to offer us; and I am confident that a very little examination will convince us of the pernicious qualities of their new preparation, and show that it can have no other effect than that of poisoning the publick.

The law before us, my lords, seems to be the effect of that practice, of which it is intended likewise to be the cause, and to be dictated by the liquor of which it so effectually promotes the use; for surely it never before was conceived, by any man intrusted with the administration of publick affairs, to raise taxes by the destruction of the people.

Nothing, my lords, but the destruction of all the most laborious and useful part of the nation can be expected, from the license which is now proposed to be given not only to drunkenness, but to drunkenness of the most detestable and dangerous kind, to the abuse not only of intoxicating, but of poisonous liquors.

Nothing, my lords, is more absurd than to assert, that the use of spirits will be hindered by the bill now before us, or indeed that it will not be in a very great degree promoted by it. For what produces all kind of wickedness, but the prospect of impunity on one part, or the solicitation of opportunity on the other; either of these has too frequently been sufficient to overpower the sense of morality, and even of religion; and what is not to be feared from them, when they shall unite their force, and operate together; when temptations shall be increased, and terrour taken away?

It is allowed by those who have hitherto disputed on either side of this question, that the people appear obstinately enamoured of this new liquor; it is allowed on both parts, that this liquor corrupts the mind, enervates the body, and destroys vigour and virtue at the same time; that it makes those who drink it too idle and too feeble for work; and, while it impoverishes them by the present expense, disables them from retrieving its ill consequences by subsequent industry.

It might be imagined, my lords, that those who had thus far agreed, would not easily find any occasion of dispute; nor would any man, unacquainted with the motives by which senatorial debates are too often influenced, suspect, that after the pernicious qualities of this liquor, and the general inclination among the people to the immoderate

use of it, had been generally admitted, it could be afterwards inquired, whether it ought to be made more common, whether this universal thirst for poison ought to be encouraged by the legislature, and whether a new statute ought to be made to secure drunkards in the gratification of their appetites.

To pretend, my lords, that the design of this bill is to prevent or diminish the use of spirits, is to trample upon common sense, and to violate the rules of decency as well as of reason. For when did any man hear, that a commodity was prohibited by licensing its sale? or that to offer and refuse is the same action?

It is, indeed, pleaded, that it will be made dearer by the tax which is proposed, and that the increase of the price will diminish the numbers of the purchasers; but it is at the same time expected, that this tax shall supply the expense of a war on the continent: it is asserted, therefore, that the consumption of spirits will be hindered, and yet that it will be such as may be expected to furnish, from a very small tax, a revenue sufficient for the support of armies, for the reestablishment of the Austrian family, and the repression of the attempts of France.

Surely, my lords, these expectations are not very consistent, nor can it be imagined that they are both formed in the same head, though they may be expressed by the same mouth. It is, however, some recommendation of a statesman, when of his assertions one can be found reasonable or true; and this praise cannot be denied to our present ministers; for though it is undoubtedly false, that this tax will lessen the consumption of spirits, it is certainly true, that it will produce a very large revenue, a revenue that will not fail but with the people from whose debaucheries it arises.

Our ministers will, therefore, have the same honour with their predecessors, of having given rise to a new fund, not indeed for the payment of our debts, but for much more valuable purposes, for the exaltation of our hearts under oppression, for the elevation of our spirits amidst miscarriages and disappointments, and for the cheerful support

of those debts which we have lost hopes of paying. They are resolved, my lords, that the nation, which nothing can make wise, shall, while they are at its head, at least be merry; and since publick happiness is the end of government, they seem to imagine that they shall deserve applause by an expedient which will enable every man to lay his cares asleep, to drown sorrow, and lose in the delights of drunkenness both the publick miseries and his own.

Surely, my lords, men of this unbounded benevolence, and this exalted genius, deserve such honours as were never paid before; they deserve to bestride a butt upon every signpost in the metropolis, or to have their countenances exhibited as tokens where this liquor is to be sold by the license which they have procured. They must be at least remembered to future ages, as the happy politicians who, after all expedients for raising taxes had been employed, discovered a new method of draining the last relicks of the publick wealth, and added a new revenue to the government; nor will those, who shall hereafter enumerate the several funds now established among us, forget, among the benefactors to their country, the illustrious authors of the *drinking fund.*

May I be allowed, my lords, to congratulate my countrymen and fellow-subjects upon the happy times which are now approaching, in which no man will be disqualified for the privilege of being drunk, when all discontent and disloyalty shall be forgotten, and the people, though now considered by the ministry as their enemies, shall acknowledge the lenity of that government, under which all restraints are taken away.

But to a bill for such desirable purposes, it would be proper, my lords, to prefix a preamble, in which the kindness of our intentions should be more fully explained, that the nation may not mistake our indulgence for cruelty, nor consider their benefactors as their persecutors. If, therefore, this bill be considered and amended, (for why else should it be considered?) in a committee, I shall humbly propose, that it shall be introduced in this manner: "Whereas the designs of the present ministry, whatever

they are, cannot be executed without a great number of mercenaries, which mercenaries cannot be hired without money; and whereas the present disposition of this nation to drunkenness inclines us to believe, that they will pay more cheerfully for the undisturbed enjoyment of distilled liquors, than for any other concession that can be made by the government, be it enacted, by the king's most excellent majesty, that no man shall hereafter be denied the right of being drunk, on the following conditions."

This, my lords, to trifle no longer, is the proper preamble to this bill, which contains only the conditions on which the people of this kingdom are to be allowed henceforward to riot in debauchery, in debauchery licensed by law, and countenanced by the magistrates; for there is no doubt but those on whom the inventors of this tax shall confer authority, will be directed to assist their masters in their design to encourage the consumption of that liquor from which such large revenues are expected, and to multiply, without end, those licenses which are to pay a yearly tribute to the crown.

By this unbounded license, my lords, that price will be lessened, from the increase of which the expectations of the efficacy of this law are pretended; for the number of retailers will lessen the value as in all other cases, and lessen it more than this tax will increase it. Besides, it is to be considered, that at present the retailer expects to be paid for the danger which he incurs by an unlawful trade, and will not trust his reputation or his purse to the mercy of his customer, without a profit proportioned to the hazard; but when once the restraint shall be taken away, he will sell for common gain; and it can hardly be imagined, that at present he subjects himself to informations and penalties for less than sixpence a gallon.

The specious pretence on which this bill is founded, and, indeed, the only pretence that deserves to be termed specious, is the propriety of taxing vice; but this maxim of government has, on this occasion, been either mistaken or perverted. Vice, my lords, is not properly to be taxed, but suppressed; and heavy taxes are sometimes the only

means by which that suppression can be attained. Luxury, my lords, or the excess of that which is pernicious only by its excess, may very properly be taxed, that such excess, though not strictly unlawful, may be made more difficult. But the use of those things which are simply hurtful, hurtful in their own nature, and in every degree, is to be prohibited. None, my lords, ever heard in any nation of a tax upon theft or adultery, because a tax implies a license granted for the use of that which is taxed, to all who shall be willing to pay it.

Drunkenness, my lords, is universally and in all circumstances an evil, and, therefore, ought not to be taxed, but punished; and the means of it not to be made easy by a slight impost, which none can feel, but to be removed out of the reach of the people, and secured by the heaviest taxes, levied with the utmost rigour. I hope those to whose care the religion of the nation is particularly consigned, will unanimously join with me in maintaining the necessity, not of taxing vice, but suppressing it; and unite for the rejection of a bill, by which the future as well as present happiness of thousands must be destroyed.

Lord LONSDALE spoke as follows:—My lords, the bill now before us, has, from its first appearance in the other house, seemed to me of such importance as to deserve the greatest attention, and to demand the most diligent inquiry; and I have, therefore, considered it with uncommon care, and pursued all those inquiries from which I could expect any assistance for discovering its tendency and its consequences, with the nicest and most anxious vigilance.

That my attention and diligence may not wholly terminate in the gratification of idle and useless curiosity, it is proper to inform your lordships of their result; by which I hope to convince you, as I am myself convinced, that this bill cannot become a law, without endangering the lives of thousands, without dispersing diseases over the nation, or without multiplying crimes beyond the possibility of restraint or punishment; that it will fill the land with confusion for a time, by infatuating the people, and afterwards lay it desolate by destroying them.

All my inquiries, my lords, have had one constant and uniform effect. On what side soever I have turned my speculations, I have found new arguments against this bill, and have discovered new mischiefs comprised in it; mischiefs which, however some may endeavour to overlook them, and others to despise them, will be found in a short time too general to be concealed, and too formidable to be neglected.

The first consideration, in which the necessity of deliberating on this bill engaged me, related to the quality of the liquors which are mentioned in it. With regard to this question, my lords, there was no possibility of long suspense; for the pernicious effects of spirits were confessed equally by all those who countenanced and opposed this new project; nor could any man take a survey of this city without meeting in his way such objects as might make all farther inquiry superfluous. The idleness, the insolence, the debauchery of the common people, and their natural and certain consequences, poverty, diseases, misery, and wickedness, are to be observed without any intention of indulging such disagreeable speculations; in every part of this great metropolis, whoever shall pass along the streets, will find wretches stretched upon the pavement, insensible and motionless, and only removed by the charity of passengers from the danger of being crushed by carriages, or trampled by horses, or strangled with filth in the common sewers; and others, less helpless perhaps, but more dangerous, who have drank too much to fear punishment, but not enough to hinder them from provoking it; who think themselves, in the elevation of drunkenness, entitled to treat all those with contempt whom their dress distinguishes from them, and to resent every injury which, in the heat of their imagination, they suppose themselves to suffer, with the utmost rage of resentment, violence of rudeness, and scurrility of tongue.

No man can pass a single hour in publick places without meeting such objects, or hearing such expressions as disgrace human nature; such as cannot be looked upon without horrour, or heard without indignation, and which there

is, however, no possibility of removing or preventing, whilst this hateful liquor is publickly sold.

But the visible and obvious effects of these pernicious draughts, however offensive or inconvenient, are yet much less to be dreaded than their more slow and secret operations. That excess of distilled spirits inflames the poor to insolence and fury; that it exposes them either to hurt, by making them insensible of danger, or to punishment, by making them fearless of authority, is not to be reckoned the most fatal consequence of their use; for these effects, though their frequency makes it necessary to suppress them, with regard to each individual are of no long duration; the understanding is in a short time recovered after a single debauch, and the drunkard may return to his employment.

But though the pleasures of drunkenness are quickly at an end, its pains are of longer continuance. These liquors not only infatuate the mind, but poison the body; nor do they produce only momentary fury, but incurable debility and lingering diseases; they not only fill our streets with madmen, and our prisons with criminals, but our hospitals with cripples. Those who have for a time infested the publick walks with their insults, quickly disturb them with their lamentations, and are soon reduced from bullies to beggars, and obliged to solicit alms from those they used to threaten and insult.

Nor does the use of spirits, my lords, only impoverish the publick, by lessening the number of useful and laborious hands, but by cutting off those recruits by which its natural and inevitable losses are to be supplied. The use of distilled liquors impairs the fecundity of the human race, and hinders that increase which providence has ordained for the support of the world. Those women who riot in this poisonous debauchery are quickly disabled from bearing children, by bringing on themselves, in a short time, all the infirmities and weaknesses of age; or, what is yet more destructive to general happiness, produce children diseased from their birth by the vices of their parents, children whose blood is tainted with inveterate

and accumulated maladies, for which no cure can be expected; and who, therefore, are an additional burden to the community, and must be supported through a miserable life by that labour which they cannot share, and must be protected by that community of which they cannot contribute to the defence.

Thus, my lords, is the great source of power and wealth dried up, the numbers of the people are every day diminished, and, by consequence, our armies must be weakened, our trade abandoned, and our lands uncultivated. To diminish the people of any nation is the most atrocious political crime that it is possible to commit; for it tends not to enslave or impoverish, but to annihilate; not to make a nation miserable, but to make it no longer a nation.

Such, my lords, are the effects of distilled liquors; effects of which I would not have shocked you with the enumeration, had it not been with a design of preventing them; and surely no man will be charged with so trivial an offence as negligence of delicacy, when he is pleading, not for the honour or the life of a single man, but for the peace of the present age, the health of posterity, and the existence of the British people.

After having examined the nature of these liquors, it is natural to inquire, how much they are in use; whether mankind appear to know their quality, and avoid and detest them like other poisons; or whether they are considered as inoffensive, and drank, like other liquors, to raise the spirits, or to gladden the heart; whether they make part of social entertainments, and whether they are handed round at publick tables, without any suspicion of their fatal consequences.

It is well known, my lords, that these liquors have not been long in use among the common people. Spirits were at first only imported from foreign countries, and were, by consequence, too dear for the luxuries of the vulgar. In time it was discovered, that it was practicable to draw from grain, and other products of our own soil, such liquors as, though not equally pleasing to elegant palates with those of other nations, resembled them, at least in their

inebriating quality, and might be afforded at an easy rate, and consequently generally purchased.

This discovery, my lords, gave rise to the new trade of distilling, which has been now for many years carried on in this nation, and of the progress of which, since the duties were laid upon its produce, an exact account may be easily obtained, which I thought so necessary in our deliberations on this bill, that I have procured it to be drawn out.

From this account, my lords, it will be discovered, what cannot be related without the utmost grief, that there has prevailed, for many years, a kind of contagious infatuation among the common people, by which they have been incited to poison themselves and their children with distilled spirits; they have forsaken those liquors which in former times enlivened their conversation and exalted their merriment, and, instead of ale and beer, rioted of late in distilled spirits.

The amazing increase of the consumption of spirits for the last ten years, is a proof too evident of the prevalence of this destructive species of drunkenness; and I shall, therefore, without troubling your lordships with earlier accounts, only mention in round numbers, the vast quantities for which the duty has been paid for a few years in that period. In the year 1733, the number of gallons distilled was three millions and nine hundred thousand, which in 1735 was increased to five millions and three hundred thousand; soon afterwards the law was made which we are now persuaded to repeal, by the execution of which, however feeble and irresolute, the number was reduced in the first year afterwards to three millions, and might, perhaps, by steady perseverance have been every year lessened; but in a short time the people prevailed in the contest with the legislators, they intimidated information, and wearied prosecution; and were at length allowed to indulge themselves in the enjoyment of their favourite vice without any farther molestation.

The effects of this indulgence, my lords, have been very remarkable; nor can it be denied, that the government

betrayed great weakness in suffering the laws to be overruled by drunkenness, and the meanest and most profligate of the people to set the statutes at defiance; for the vice which had been so feebly opposed spread wider and wider, and every year added regularly another million of gallons to the quantity of spirits distilled, till in the last year they rose to seven millions and one hundred thousand gallons.

Such, my lords, is at present the state of the nation; twelve millions of gallons of these poisonous liquors are every year swallowed by the inhabitants of this kingdom; and this quantity, enormous as it is, will probably every year increase, till the number of the people shall be sensibly diminished by the diseases which it must produce; nor shall we find any decay of this pernicious trade, but by the general mortality that will overspread the kingdom.

At least, if this vice should be suppressed, it must be suppressed by some supernatural interposition of providence; for nothing is more absurd than to imagine, that the bill now before us can produce any such effect. For what, my lords, encourages any man to a crime but security from punishment, or what tempts him to the commission of it but frequent opportunity? We are, however, about to reform the practice of drinking spirits, by making spirits more easy to be procured; we are about to hinder them from being bought, by exempting the vender from all fear of punishment.

It has, indeed, been asserted, that the tax now to be laid upon these liquors will have such wonderful effects, that those who are at present drunk twice a-day, will not be henceforward able to commit the same crime twice a-week; an assertion which I could not hear without wondering at the new discoveries which ministerial sagacity can sometimes make.

In deliberations on a subject of such importance, my lords, no man ought to content himself with conjecture, where certainty may, at whatsoever expense of labour, be attained; nor ought any man to neglect a careful and attentive examination of his notions, before he offers them in publick consultations; for if they were erroneous, and no

man can be certain that he is in the right, who has never brought his own opinions to the test of inquiry, he exposes himself to be detected in ignorance or temerity, and to that contempt which such detection naturally and justly produces; or if his audience submit their reason to his authority, and neglect to examine his assertions, in confidence that he has sufficiently examined them himself, he may suffer what to an honest mind must be far more painful than any personal ignominy, he may languish under the consciousness of having influenced the publick counsels by false declarations, and having by his negligence betrayed his country to calamities which a closer attention might have enabled him to have foreseen.

Whether the noble lord, who alleged the certainty of reformation which this bill will produce, ever examined his own opinion, I know not; but think it necessary at least to consider it more particularly, to supply that proof of it which, if it be true, he neglected to produce, or to show, if it be found false, how little confident assertions are to be regarded.

Between twice a-day and twice a-week, the noble lord will not deny the proportion to be as seven to one; and, therefore, to prevent drunkenness in the degree which he persuades us to expect, the price of the liquor must be raised in the same proportion; but the duty laid upon the gallon will not increase the price a fifth part, even though it should not be eluded by distilling liquors of an extraordinary strength; one fifth part of the price is, therefore, in his lordship's estimate, equal to the whole price seven times multiplied. Such are the arguments which have been produced in favour of this bill; and such is the diligence with which the publick happiness is promoted by those who have hopes of being enriched by publick calamities.

As the tax will not make a fifth part of the price, and even that may be in some measure evaded, the duty paid for licenses scarcely deserves consideration; for it is not intended to hinder retailers, but to make them useful in some degree to the ministry, by paying a yearly tax for the license of poisoning.

It is, therefore, apparent, upon the noble lord's supposition, that the price of the liquor will be raised in consequence of this tax, that no man can be hindered from more than a fifth part of his usual debauchery, which, however, would be some advantage to the publick; but even this small advantage cannot be expected from the bill, because one part will obstruct the benefits that might be hoped from another.

The duty upon liquors, however inconsiderable, will be necessarily an augmentation of the price to the first buyer, but probably that augmentation will be very little felt by the consumer. For, my lords, it must be considered, that many circumstances concur to constitute the price of any commodity; the price of what is in itself cheap, may be raised by the art or the condition of those that sell it; what is engrossed by a few hands, is sold dearer than when the same quantity is dispersed in many; and what is sold in security, and under the protection of the law, is cheaper than that which exposes the vender to prosecutions and penalties.

At present, my lords, distilled spirits are sold in opposition to the laws of the kingdom; and, therefore, it is reasonable, as has been before observed, to believe that an extraordinary profit is expected, because no man will incur danger without advantage. It is at present retailed, for the greatest part, by indigent persons, who cannot be supposed to buy it in large quantities, and, consequently, not at the cheapest rate; and who must, of necessity, gain a large profit, because they are to subsist upon a very small stock.

These causes concurring, may be easily imagined to raise the price more than a fifth part above the profit which is expected in other traffick; but when this bill shall become a law, the necessity of large profit will no longer subsist; for there will then be no danger in retailing spirits, and they will be chiefly sold in houses by persons who can afford to purchase them in great quantities, who can be trusted by the distiller, for the usual time allowed in other trades; and who, therefore, may sell them without any exorbitant advantage.

Besides, my lords, it is reasonable to imagine, that the present profit to the retailer is very great, since, like that which arises from the clandestine exportation of wool, it is sufficient to tempt multitudes to a breach of the law, a contempt of penalties, and a defiance of the magistrates; and it may be therefore imagined, that there is room for a considerable abatement of the price, which may subtract much more than is added by this new duty.

This deduction from the price, my lords, will probably be soon produced by the emulation of retailers, who, when the trade becomes safe and publick, will endeavour to attract buyers by low rates; for what the noble lord, whose ingenious assertion I am now opposing, has declared with respect to traders, that for a tax of a penny upon any commodity, they oblige the consumers to advance twopence, is not universally true; and I believe it is as likely, that the people will insist upon having the same liquor at the usual price, without regard to the tax, as that the venders will be able to raise their price in an unreasonable proportion. The obstinacy of the people with regard to this liquor, my lords, has already appeared; and I am inclined to believe, that they who have confessedly conquered the legislature, will not suffer themselves to be overcome in the same cause by the avarice of alehouse keepers.

I am, therefore, confident, my lords, that this bill will produce no beneficial effects, even in this city; and that in the country, where the sale of spirits was hindered by the late law, or where, at least, it might have been hindered in a great measure, it will propagate wickedness and debauchery in a degree never yet known; the torrent of licentiousness will break at once upon it, and a sudden freedom from restraint will produce a wanton enjoyment of privileges which had never been thought so valuable, had they never been taken away. Thus, while the crowds of the capital are every day thinned by the licensed distributors of poison, the country, which is to be considered as the nursery in which the human species is chiefly propagated, will be made barren; and that race of men will be intercepted, which is to defend the liberty of the neigh-

bouring nations in the next age, which is to extend our commerce to other kingdoms, or repel the encroachments of future usurpation.

The bill, my lords, will, therefore, produce none of the advantages which those who promote it have had the confidence to promise the publick. But let us now examine whether they have not been more sagacious in securing the benefits which they expect from it themselves.

That one of the intentions of it is to raise a sum to supply the present exigencies of the government is not denied; that this is the only intention is generally believed, and believed upon the strongest reasons; for it is the only effect which it can possibly produce; and to this end it is calculated with all the skill of men long versed in the laudable art of contriving taxes and of raising money.

I have already shown to your lordships, that seven millions of gallons of spirits are annually distilled in this kingdom; this consumption, at the small duty of sixpence a gallon, now to be imposed, will produce a yearly revenue of £175,000. and the tax upon licenses may be rated at a very large sum; so that there is a fund sufficient, I hope, for the expenses which a land war is to bring upon us.

But we are not to forget, my lords, that this is only the produce of the first year, and that the tax is likely to afford every year a larger revenue. As the consumption of those liquors, under its late discouragements, has advanced a million of gallons every year, it may be reasonably imagined, that by the countenance of the legislature, and the protection of authority, it will increase in a double proportion; and that in ten years more, twenty millions will be distilled every year for the destruction of the people.

Thus far, my lords, the scheme of the ministry appears prosperous; but all prosperity, at least all the prosperity of dishonesty, must in time have an end. The practice of drinking cannot be for ever continued, because it will hurry the present generation to the grave, and prevent the production of another; the revenue must cease with the consumption, and the consumption must be at an end when the consumers are destroyed.

But this, my lords, cannot speedily happen, nor have our ministers any dread of miseries which are only to fall in distant times upon another generation. It is sufficient for them, if their expedient can supply those exigencies which their counsels have brought upon the publick; if they pay their court to the crown with success, at whatever disadvantage to the people, and continue in power till they have enlarged their fortunes, and then without punishment retire to enjoy them.

But I hope, my lords, that we shall act upon very different principles; that we shall examine the most distant consequences of our resolutions, and consider ourselves, not as the agents of the crown to levy taxes, but as the guardians of the people to promote the publick happiness; that we shall always remember that happiness can be produced only by virtue; and that since this bill can tend only to the increase of debauchery, we shall, without the formality of a commitment, unanimously reject it with indignation and abhorrence.

Lord CARTERET spoke to the following effect:—My lords, the bill now before us has been examined with the utmost acuteness, and opposed with all the arts of eloquence and argumentation; nor has any topick been forgotten that could speciously be employed against it. It has been represented by some as contrary to policy, and by others as opposite to religion; its consequences have been displayed with all the confidence of prediction, and the motives upon which it has been formed, declared to be such as I hope every man abhors who projected or defends it.

It has been asserted, that this bill owes its existence only to the necessity of raising taxes for the support of unnecessary troops, to be employed in useless and dangerous expeditions; and that those who defend it have no regard to the happiness or virtue of the people, nor any other design than to raise supplies, and gratify the ministry.

In pursuance of this scheme of argument, the consequences of this bill have been very artfully deduced, and

very copiously explained; and it has been asserted that by passing it, we shall show ourselves the patrons of vice, the defenders of debauchery, and the promoters of drunkenness.

It has been declared, that in consequence of this law, by which the use of distilled liquors is intended to be restrained, the retailers of them will be multiplied, and multiplied without end; till the corruption, which is already too extensive, is become general, and the nation is transformed into a herd of drunkards.

With regard to the uses to which the money which shall arise from this tax is to be applied, though it has been more than once mentioned in this debate, I shall pass it over, as without any connexion with the question before us. To confound different topicks may be useful to those whose design is to impose upon the inattention or weakness of their opponents, as they may be enabled by it to alter sometimes the state of the controversy, and to hide their fallacies in perplexity and confusion; but always to be avoided by those who endeavour to discover and to establish truth, who dispute not to confound but to convince, and who intend not to disturb the publick deliberations, but assist them.

I shall, therefore, my lords, only endeavour to show that the consequence, of which some lords express, and I believe with sincerity, such dreadful apprehensions, is not in reality to be feared from this bill; that it will probably promote the purpose for which it is declared to be calculated, and that it will by no means produce that havock in the human species which seems to be suspected, or diffuse that corruption through the people which has been confidently foretold.

The present state of this vice, my lords, has been fully explained, as well by those who oppose the bill as by those who defend it. The use of distilled liquors is now prohibited by a penal law, but the execution of this law, as of all others of the same kind, necessarily supposes a regular information of the breach of it to be laid before the magistrate. The people consider this law, however just or ne-

cessary, as an act of the most tyrannical cruelty, which ought to be opposed with the utmost steadiness and vigour, as an insupportable hardship from which they ought at any rate to set themselves free.

They have determined, therefore, not to be governed by this law, and have, consequently, endeavoured to hinder its execution; and so vigorous have been their efforts, that they have at last prevailed. At first they only opposed it by their perseverance and obstinacy, they resolved to persist in the practice of retailing liquors without regard to the penalties which they might incur by it; and, therefore, as one was put to prison, his place was immediately supplied by another; and so frequent were the informations and so fruitless the penalties, that the chief magistrate of the metropolis lamented publickly in the other house, the unpleasing necessity to which he was subjected by that law, of fining and imprisoning without end, and without hopes of procuring the reformation that was intended.

Thus they proceeded for some time, and appeared to hope that the magistrates would after a while connive at a practice, which they should find no degree of severity sufficient to suppress; that they would sink under the fatigue of punishing to no purpose, that they would by degrees relax their vigilance, and leave the people in quiet possession of that felicity which they appeared to rate at so high a price.

At length, my lords, instead of wearying the magistrates, they grew weary themselves, and determined no longer to bear persecution for their enjoyments, but to resist that law which they could not evade, and to which they would not submit. They, therefore, determined to mark out all those who by their informations promoted its execution, as publick enemies, as wretches who, for the sake of a reward, carried on a trade of perjury and persecution, and who harassed their innocent neighbours only for carrying on a lawful employment for supplying the wants of the poor, relieving the weariness of the labourer, administering solace to the dejected, and cordials to the sick.

The word was, therefore, given that no informer should

be spared; and when an offender was summoned by the civil officers, crowds watched at the door of the magistrate to rescue the prisoner, and to discover and seize the witness upon whose testimony he was convicted; and unfortunate was the wretch who, with the imputation of this crime upon him, fell into their hands; it is well remembered by every man who at that time was conversant in this city, with what outcries of vengeance an informer was pursued in the publick streets, and in the open day; with what exclamations of triumph he was seized, and with what rage of cruelty he was tormented.

One instance of their fury I very particularly remember: as a man was passing along the streets, the alarm was given that he was an informer against the retailers of spirituous liquors, the populace were immediately gathered as in a time of common danger, and united in the pursuit as of a beast of prey, which it was criminal not to destroy; the man discovered, either by consciousness or intelligence, his danger, and fled for his life with the utmost precipitation; but no housekeeper durst afford him shelter, the cry increased upon him on all hands, and the populace rolled on after him with a torrent not to be resisted; and he was upon the point of being overtaken, and like some others destroyed, when one of the greatest persons in the nation, hearing the tumult, and inquiring the reason, opened his doors to the distressed fugitive, and sheltered him from a cruel death.

Soon afterwards there was a stop put to all information; no man dared afterwards, for the sake of a reward, expose himself to the fury of the people, and the use of these destructive liquors was no longer obstructed. How much the practice of this kind of debauchery prevailed, after this short restraint, and how much the consumption of these destructive liquors has increased, the noble lord who spoke last has very accurately informed us, nor can any argument be offered for the present bill more strong than that which his computations have already furnished.

For if it appears, my lords, and it cannot be doubted after such authentick testimonies, that seven millions of gallons

of spirits are every year consumed in this kingdom, and that of these far the greatest quantity is wasted in the most flagitious and destructive debauchery; it is surely at length necessary to consider by what means this consumption, which cannot be stopped, may be lessened, and this vice obstructed, which cannot be reformed.

By opening a sufficient number of licensed shops, the number of unlicensed retailers will be necessarily lessened, and by raising the price of the liquor, the quantity which the poor drink must, with equal certainty, be diminished; and as it cannot be imagined that the number of those who will pay annually for licenses, can be equal to that of the petty traders, who now dispose of spirits in cellars and in the streets; it is reasonable to believe that since there will be fewer sellers, less will be sold.

Some lords have, indeed, declared their suspicion, that the number of licensed shops will be such as will endanger the health of the people, and the peace of the commonwealth; and one has so far indulged his imagination, as to declare that he expects fifteen hundred shops to be set open for the sale of spirits, in a short time after the publication of this law.

If it be answered, that no spirits can be sold but by those who keep a house of publick entertainment by a license from the justices of the peace, the opponents of the bill have a reply ready, that the justices will take all opportunities to promote the increase of the revenue, and will always grant a license when it is demanded, without regard to the mischiefs that may arise from the increase of the retreats of idleness and receptacles of vice; and that, therefore, to allow justices to grant licenses for the retail of any commodity upon which a tax is laid, is to permit the sale of it without limits.

But, my lords, this argument will vanish, when it is considered that those justices to whom the law commits the superintendency of publick-houses, are superintended themselves by men who derive their authority from a higher power, and whose censures are more formidable than judicial penalties. The conduct of the justices, my

lords, as of every other person, lies open to the observation of the reverend clergy, by whose counsels it is to be regulated, and by whose admonitions it ought to be reformed; admonitions which cannot be supposed to be without force from men to whom the great province of preaching virtue and truth is committed, and whose profession is so much reverenced, that reputation and infamy are generally in their power.

Should the justices, my lords, abuse their authority, either for the increase of the revenue, or any other purpose, what could they expect but to be marked out on the next day of publick worship for reproach and derision? What could they hope but that their crimes should be displayed in the most odious view to their neighbours, their children, and their dependants; and that all those from whom nature or interest teaches them to desire friendship, reverence, or esteem, will be taught to consider them as the slaves of power and the agents of villany, as the propagators of debauchery, and the enemies of mankind?

There is, therefore, my lords, reason to hope that the bill may be useful, because it will be hindered from being detrimental; and as there is an absolute necessity of doing something, and no better method can at present be proposed, I think this ought not to be rejected. We have found by experience that the publick is not to be reformed at once, and that the progress from corruption to reformation must be gradual; and as this bill enforces some degrees of amendment, it is at least more eligible than the present law, which is wholly without effect, because no man will dare to put it in execution.

Every man must be convinced, by his own experience, of the difficulty with which long habits are surmounted. I myself suffer some indulgence which yet I cannot prevail upon myself to forbear; this indulgence is the use of too much snuff, to which it is well known that many persons of rank are not less addicted; and, therefore, I do not wonder that the law is ineffectual, which is to encounter with the habits and appetites of the whole mass of the common people.

For this reason, my lords, I cannot approve what has

been recommended in this debate, any new law that may put the enjoyment of this liquor yet farther from them, by facilitating prosecutions, or enforcing penalties, as I am convinced that the natural force of the people is superiour to the law, and that their natural force will be exerted for the defence of their darling spirits, and the whole nation be shaken with universal sedition.

It has been objected by the noble lord, that the tax now proposed is such as never was raised in any government, because, though luxury may confessedly be taxed, vice ought to be constantly suppressed; and this, in his lordship's opinion, is a tax upon vice.

His lordship's distinction between luxury and vice, between the use of things unlawful, and the excess of things lawful, is undoubtedly just, but by no means applicable on this occasion; nor, indeed, has the noble lord, with all his art, been able to apply it; for he was obliged to change the terms in his argument; and, instead of calling this tax, a tax upon strong liquors, to stigmatize it with the odious appellation of a tax upon drunkenness.

To call any thing what it really is not, and then to censure it, is very easy; too easy, my lords, to be done with success. To confute the argument it is only necessary to observe, that this tax is not a tax upon drunkenness, but a tax laid upon strong liquors for the prevention of drunkenness; and, by consequence, such as falls within the compass of his own definition.

That it is not a tax upon luxury cannot be inferred from the indigence of those whom it is intended to reform; for luxury is, my lords, *ad modum possidentis*, of different kinds, in proportion to different conditions of life, and one man may very decently enjoy those delicacies or pleasures to which it would be foolish and criminal in another to aspire. Whoever spends upon superfluities what he must want for the necessities of life, is luxurious; and excess, therefore, of distilled spirits may be termed, with the utmost propriety, the luxury of the poor.

This, my lords, appeared to be the opinion of the noble lord who spoke so copiously on this question at the begin-

ning of the debate; of this opinion was the reverend prelate when he observed, that *necessity itself was become luxurious,* and of this opinion must every man be who advises such a duty to be laid upon these liquors as may at once debar the poor from the use of them; for such a proposal evidently supposes them unnecessary, and all enjoyment of things not necessary is a degree of luxury.

To tax this luxury, which is, perhaps, the most pernicious of all others, is now proposed; but it is proposed to tax it only to suppress it, to suppress it by such slow degrees as may be borne by the people; and I hope a law so salutary will not be opposed only because it may afford the government a present supply.

The duke of NEWCASTLE then rose up, and spoke to the following effect:—My lords, I am of opinion that this debate would have been much shorter, had not the noble lords who have spoken in it suffered themselves to be led away, either by their own zeal, or the zeal of their opponents, from the true state of the question, to which I shall take the liberty of recalling their attention, that this important controversy may have at length an end.

The point, the only point that is, in my opinion, now to be considered, is this: the people of this nation have for some time practised a most pernicious and hateful kind of debauchery; against which several laws have been already made, which experience has shown to be so far without effect, that the disorder has every year increased among them; [while the duke was speaking, the bishop of Oxford said, without intention to be overheard, "Yes, that is the true state of the case," upon which the duke stopped, and asked whether his lordship had any objection to make, who answered that he had no design of interrupting him; and he, therefore, proceeded.] A new law, therefore, is proposed, less severe, indeed, than the former, but which it is hoped will be for that reason more efficacious; this law having passed through the other house, is now, in the common course of our procedure, to be considered by us in a committee.

We are now, my lords, therefore, to resolve, whether a

bill for the reformation of this flagrant vice deserves any farther deliberation, whether we shall join with the other house in their endeavours to restore the ancient sobriety and virtue of the British people, or, by an open disapprobation of their attempt, discourage them from prosecuting their design, and debar them from using the opportunities that succeeding years may afford, and the new lights which experience may supply for improving this essay, however imperfect, to a salutary and unexceptionable law.

The prelates whose laudable zeal for the promotion of virtue has prompted them to distinguish themselves on this occasion by an uncommon warmth of opposition, ought, as they appear fully sensible of the calamities which intemperance brings upon mankind, to consider likewise the consequences of refusing to examine, in a committee, a bill professedly drawn up to restrain intemperance. They ought to remember, that by rejecting this bill without a particular examination of the several clauses which it contains, and without those particular objections which such examinations necessarily produce, we shall discover a contempt of the wisdom or virtue of the other house, which may incline them in their turn to obstruct the measures of the government, or at least to neglect that evil, however great, for the redress of which they have no reason to expect our concurrence.

Those whose particular province it is to inspect the lives of the people, to recal them from vice, and strengthen them in virtue, should certainly reflect on this occasion, that the safest method ought to be chosen; and, therefore, that this bill ought to be promoted; because, not to affirm too much, it is possible that it may produce some degree of reformation; and the worst that can be feared is, that, like the present law, it will be ineffectual; for the corruption and licentiousness of the people are already such, that nothing can increase them.

The bishop of SARUM then spoke to the following purpose:—My lords, I am so far from being convinced by the arguments of the noble duke, that the bill now before us ought to be committed without farther opposition, that, in

my opinion, nothing can be more unworthy of the honour of this house, or more unsuitable to the character which those who sit on this bench ought to desire, than to agree to any vote which may have the most distant appearance of approbation.

That a bill drawn up for the reformation of manners, for the restraint of a predominant and destructive vice, for the promotion of virtue, and the enforcement of religion, ought, at least, to be calmly and particularly considered; that the laudable endeavours of the commons ought not to be discouraged by a precipitate and contemptuous rejection of the measures which they have formed for the attainment of a purpose so important, is, indeed, a specious and plausible method of persuasion; but, my lords, it can affect only those who come to deliberate upon this bill without having read it.

A very slight and cursory perusal of the bill, my lords, will dissipate all the mists which eloquence can raise; it will show that the law now proposed can neither be useful nor ineffectual, but that it must operate very powerfully, though in a manner by no means agreeable to its title.

To prevent the excessive use of any thing, by allowing it to be sold without restraint, is an expedient which the wisdom of no former age ever discovered; it is, indeed, a fallacy too gross to be admitted, even by the most inconsiderate negligence, or the most contemptuous stupidity; nor am I at all inclined to believe, that the commons will impute the rejection of this bill to our disregard of virtue, or think that we have defeated any endeavours for the suppression of wickedness.

It has been affirmed, that though by the bill the sale is permitted, it is permitted only because it cannot be hindered; and that the price is raised so high, that, though the lawful venders may be multiplied, the number of the purchasers must be diminished. But even this argument, like all others that have yet been advanced, is confuted by the bill itself, from which the tax now proposed appears to be such as, when subdivided by the small measures in which retailers sell these liquors, will scarcely be per-

ceived, and which, though it may enrich the government, will not impoverish the people, except by destroying their health, and enervating their limbs.

The tax, my lords, even supposing it paid without any method of evasion, is so low, that in a quarter of a pint, the quantity which the lower people usually demand at once, it does not amount to any denomination of money; and so small an addition will be easily overbalanced by the sale of a larger quantity than formerly; for it cannot be doubted but the practice which prevailed in opposition to the law, will grow yet more predominant by its encouragement; and that, therefore, the advantage of a large and quick sale, will lessen the price more than so slight a tax can possibly increase it.

The noble duke has endeavoured to reduce us to difficulties, by urging, that since the corruption of the people cannot be greater, we ought willingly to agree to any law, of which the title declares that it is intended to produce a reformation, because the worst that can be feared is, that it may be without effect.

But, my lords, such is the enormous absurdity of this bill, that no plea can be offered for it with the least appearance of reason; and the greatest abilities, when they are exerted in its defence, are able only to show, by fruitless efforts, that it cannot be vindicated. If the state of the nation be really such as has been supposed, if the most detestable and odious vice has overspread the kingdom to its utmost limits, if the people are universally abandoned to drunkenness, sloth, and villany, what can be more absurd than to trifle with doubtful experiments, and to make laws which must be suspected of inefficacy? In the diseases of the state, as in those of the body, the force of the remedy ought to be proportioned to the strength and danger of the disease; and surely no political malady can be more formidable than the prevalence of wickedness, nor can any time require more firmness, vigilance, and activity, in the legislative power.

That the law, therefore, may be without effect, is, in the present state of corruption, if it has been truly represented,

a sufficient reason for rejecting it, without allowing it to be committed; because there is now no time for indulgence, or for delays; a nation universally corrupt, must be speedily reformed, or speedily ruined. Those habits which have been confessed to be already too powerful for the laws now in being, may in a short time be absolutely irresistible; and that licentiousness which intimidates the officers of justice, may in another year insult the legislature.

But, my lords, I am yet willing to hope that the noble duke's account of the wickedness of the people, was rather a rhetorical exaggeration, uttered in the ardour of dispute, than a strict assertion of facts; and am of opinion that, though vice has, indeed, of late spread its contagion with great rapidity, there are yet great numbers uninfected, and cannot believe that our condition is such as that nothing can make it more miserable.

In many parts of the country, my lords, these liquors have not yet been much used, nor is it likely that those who have never sold them, when the law allowed them, will begin an unnecessary trade, when it will expose them to penalties. But a new law in favour of spirits will produce a general inclination, and a kind of emulation will incite every one to take a license for the retail of this new liquor; and so every part of the kingdom will be equally debauched, and no place will be without a vender of statutable poison. The luxury of the vulgar, for luxury, in my opinion, it may very properly be called, will still increase, and vices and diseases will increase with it.

There is at least one part of the nation yet untainted, a part which deserves the utmost care of the legislature, and which must be endangered by a law like this before us. The children, my lords, to whom the affairs of the present generation must be transferred, and by whom the nation must be continued, are surely no ignoble part of the publick. They are yet innocent, and it is our province to take care that they may in time be virtuous; we ought, therefore, to remove from before them those examples that may infect, and those temptations that may corrupt them. We ought to reform their parents, lest they should imitate

them; and to destroy those provocatives to vice, by which the present generation has been intoxicated, lest they should with equal force operate upon the next.

There is, therefore, no occasion, my lords, for any farther deliberation upon this bill; which, if the nation be yet in any part untainted, will infect it; and if it be universally corrupted, will have no tendency to amend it; and which we ought, for these reasons to reject, that our abhorrence of vice may be publickly known, and that no part of the calamities which wickedness must produce, may be imputed to us.

Lord DELAWARR then spoke to the following effect:—My lords, as I am entirely of opinion that a more accurate examination of this bill will evince its usefulness and propriety to many of the lords who are now most ardent in opposing it, I cannot but think it necessary to consider it in a committee.

It is to be remembered, my lords, that this bill is intended for two purposes of very great importance to the publick; it is designed that the liberties of mankind shall be secured by the same provisions by which the vices of our own people are to be reclaimed, and supplies for carrying on the war shall be raised by a reformation of the manners of the people.

This, my lords, is surely a great and generous design; this is a complication of publick benefits, worthy the most exalted virtue, and the most refined policy; and though a bill in which views so distant are to be reconciled, should appear not to be absolutely perfect, it must yet be allowed to deserve regard; nor ought we to reject, without very cautious deliberation, any probable method of reforming the nation, or any easy way of raising supplies.

The encroachment of usurpation without, and the prevalence of vice within, is a conjunction of circumstances very dangerous; and to remove both by the same means, is an undertaking that surely cannot deserve either censure or contempt: if it succeeds, it may demand the loudest acclamations; and if it fails, must be at least approved.

The use, my lords, of spirituous liquors, though in the

excess now so frequently to be observed, undoubtedly detrimental to multitudes, is not, in a proper degree, either criminal or unwholesome; and, therefore, ought not to be prohibited by a tax so heavy as has been proposed by a noble lord, who, if he pursues his reasoning, must propose to tax in the same proportion every other liquor that can administer to vice.

It is, however, certain, that too much is wasted in riot and debauchery; and that, therefore, some addition to the price of this liquor ought to be made, that, though the use of it may be continued, the excess may be restrained.

What will be the effects of this bill, and whether either of these benefits are to be expected from it, can be known only by an impartial examination; and therefore it ought to be discussed with that accuracy which is peculiar to a committee.

Lord LONSDALE here got up again, and spoke to this purpose:—My lords, that a bill which shall restrain the excess of drinking distilled liquors without hindering their moderate use, will deserve the applause of every lover of his country, I cannot deny; but that any such bill can be contrived, may very justly be doubted; for in proportion to their price they will always be used, and nothing can hinder excess but a high tax, such as I have already proposed.

The bill now before us, my lords, will, indeed, by no means obstruct the moderate use, because it will give an unbounded license to the most luxurious excess; if, therefore, nothing more be intended in the committee, than to consider how far this bill will promote the reformation of the people, it is surely not necessary to engage in any farther inquiries.

It has appeared already, to those who do not obstinately shut their eyes, that there is in it no provision for the prevention of that abuse of spirits which universally prevails. It has appeared, that the cheapness of licenses will not hinder the present retailers from carrying on an illegal trade; that information will not now be more safe or more frequent than before, and that the duty, if not in part

evaded, may yet be probably abated from the present profits of the sale.

It has appeared, my lords, that no effect can be produced by this bill but the promotion of debauchery, the increase of drunkenness, the subversion of order, and the decay of industry; the miseries of disease, and the rage of want.

But that this bill will not produce, at least for some time, a large addition to the publick revenues, has not yet been proved; and while it is allowed that it will raise money, I do not wonder to hear it steadily defended, because nothing more is expected from it. But as I have not yet conversed enough with statesmen to persuade myself that the government ought to be supported by means contrary to the end for which government is instituted, I am still convinced that this bill ought to be rejected with contempt, because it will lessen the wealth of the nation without any equivalent advantage, and will at once impoverish the people, and corrupt them.

Lord ISLAY then spoke to this effect:—My lords, I cannot but be of opinion that this debate has been carried on with a vehemence by no means necessary, and that the question has been perplexed by a mistaken zeal, that the effects of this bill have been exaggerated, perhaps, on both sides, and that the opinions which have been formed with relation to it, are not really so opposite as they appear.

Those who oppose the bill, think the duty upon spirits not so high as to hinder that debauchery which so much prevails among us; and those that vindicate it, declare that more violent restraints will not be borne. Both parties have reason, and the vindicators of the bill have, likewise, experience on their side.

But, my lords, though severe restraints suddenly opposed to the habits and inclinations of the people, operating in their full force, may be broken through by restless struggles and obstinate resistance, yet a diminution of those gratifications will be borne which cannot wholly be taken away, and the same laws, introduced by proper degrees, will be patiently obeyed; this, therefore, may be very

properly considered as the first tax necessary to be laid, which, though it may produce no great effects in itself, may at least make way for a second that shall be more sensibly felt, till at length these fatal spirits shall be raised to a price at which few will be able, and none willing, to purchase one pleasure of drunkenness.

But it is not impossible that even this tax, with the other provisions in the bill, may produce the reformation which is unanimously desired; and as violence should never be used till gentle methods have been tried, this bill ought, in my opinion, to be passed, and, therefore, to be referred to a committee without farther debate; for it will be thought, both by our allies and our enemies, that a great part of this assembly is very indifferent about the success of the war, if we delay the supplies, by disputing in what manner they shall be raised.

[The question being then put, whether the bill shall be committed, it was carried in the affirmative. And the lords Delawarr and Hervey being appointed tellers, the numbers were, Contents 59, Proxies 23—82. Not contents 38, Proxies 16—54.

It was remarked on this occasion, that there being ten prelates in the house, they all divided against the question; upon which the earl of Chesterfield seeing them come towards him, said, he doubted if he had not mistaken the side, not having had the honour of their company for many years.

Two days after, the same bill was considered by the house of lords in a committee to which all of them were summoned, and occasioned another very important and curious debate.]

FEBRUARY 23, 1742-3.

The title of the bill on spirituous liquors being read, was postponed: then the preamble was read, importing, "that whereas great difficulties and inconveniencies had attended the putting the act 9 Geo. II. in execution, and the same had not been found effectual to answer the purposes intended," the commons being desirous to raise

the necessary supplies in the easiest manner, do grant the rates on spirituous liquors, hereafter mentioned, and repeal the present rates.

Lord HERVEY spoke to the effect following:—My lords, notwithstanding the specious arguments which were used to influence the house to permit this bill to escape the censure it deserved, and be admitted to a farther examination in a committee, I am still confident that nothing can justly be offered in its defence; and am not afraid to declare my opinion, that it is not approved even by those who vindicate it; of whom I cannot but believe, from long experience of their judgment and their knowledge, that they consider it only as an *easy manner* of raising money, as an expedient rather necessary than eligible, and such as only the exigencies of the government could have prevailed upon them to propose; for nothing is more evident, than that it cannot answer the purposes of the former bill.

This, however harsh it may appear, and however inconsistent with that delicacy with which the debates of this august assembly have generally been carried on, must surely be pardoned on this occasion, if for no other reason, at least for this, that it is not easy to forbear it, it is impossible wholly to suppress it in the mind; and to forbear to speak what cannot but be thought, is no part of the duty of a publick counsellor.

The conduct of those whose station subjects them to the resentment of the ministry, or who may be reasonably imagined to expect favours from them, has, throughout all our deliberations on this bill, been such as evidently discovers their only care to be the imposition of a new tax, and the establishment of a new fund. They do not seem to urge seriously any other argument than the necessity of raising money, or to oppose the objections that have been offered, for any other reason than because they have a tendency to obstruct the supplies.

No other argument can, indeed, be urged in vindication of a bill which every principle of policy or justice must incite us to condemn; a bill by which the sense of morality and religion will be extinguished, and the restraints of law

made ineffectual; by which the labourer and manufacturer will be at once debilitated and corrupted, and by which the roads will be filled with thieves, and the streets with beggars.

It appears, my lords, from the papers on the table, that seven millions of gallons are every year distilled; and experience shows us, that the quality of the liquor is such, that a quarter of a pint is sufficient to intoxicate the brain. Upon this computation, my lords, it is reasonable to believe, that a twentieth part of the labouring hands of this nation are detained from their proper occupations by this kind of drunkenness; and, consequently, that a twentieth part of the trade is every year lost, or, perhaps, a twentieth part of our people every year hurried to the grave, or disabled from contributing to the publick good.

These, my lords, are no doubtful facts, or conjectural calculations, they are confirmed by the most incontestable evidence, and established by all the demonstration of arithmetick; and therefore your lordships are in no danger of errour from either ignorance or uncertainty, but must determine, if you approve this bill, in opposition to all the powers of conviction, and must set aside testimony and reason at the same time.

These facts, my lords, are so plain, that the warmest advocates for the bill have tacitly acknowledged them, by proposing that, if it be found ineffectual, it shall be amended in the next session. What effect this proposal may have upon others, I know not; but for my part, I shall never think it allowable to sport with the prosperity of the publick, or to try experiments by which, if they fail, the lives of thousands must be destroyed.

Such a scheme, my lords, very ill becomes those to whom their ancestors have transmitted the illustrious character of guardians of the people; for surely such cruelty was never practised by the utmost wantonness of tyranny, or the most savage rage of invasion. No man ever before conceived the design of scattering poison for a certain period of time among the people, only to try what havock it would make.

What will be the effects of unrestrained and licensed

debauchery may be known, without the guilt of so dreadful an experiment, only by observing the present conduct of the people, even while they are hindered from the full enjoyment of their pleasures, by the terrours of a penal law. Whoever shall be so far touched with the interest of the publick, as to extend his inquiries to the lowest classes of the people, will find some diseased, and others vitiated; he will find some imprisoned by their creditors, and others starving their children; and if he traces all these calamities and crimes to their original cause, will find them all to proceed from the love of distilled liquors.

I know, my lords, that in answer to all these expostulations, and a thousand more, it will be urged by the ministers and their friends, that there is no other method to be found of raising the supplies, and that the demands of the government must be satisfied at whatever rate, and by whatever means.

Though I am very far from approving this assertion, I do not wonder at its prevalence among those who are enriched by every tax, and whose only claim to the preferments which they enjoy arises from their readiness to concur in every scheme for increasing the burdens of the publick; and, therefore, shall never expect their approbation of any proposal, by which a new tax may be retarded. Yet I cannot but declare that, in my opinion, we ought to suspend our proceedings, that the commons may discover what danger their negligence, precipitation, or blind compliance, has brought upon the nation; and that the people may, by so signal a proof of our disapprobation, be alarmed against any attempt of the same kind under any future administration.

This, my lords, will be considered, not only by posterity, but by all the wise and honest men of the present time, as a proof of our regard for virtue, and our attention to the publick welfare. This conduct will be secretly approved, even by those who may think themselves obliged to oppose it in publick; and, as it will be moderate and decent, may probably preserve the nation without irritating the other house.

I therefore move, my lords, that instead of proceeding in the superfluous forms of a committee, we should resume the house, and endeavour to obtain farther information.

After a short silence, lord CHOLMONDELEY spoke to this effect:—My lords, the observations which, though sufficiently explained and enforced in the late debate, the noble lord has been pleased to repeat on this occasion, are in themselves, indeed, sufficiently pertinent, and have been urged by his lordship with uncommon spirit and elegance; but he ought to have reflected, that general declamations are improper in a committee, where the particular clauses of the bill are to be separately considered.

I propose, therefore, that instead of wasting that time, of which the exigencies of the publick now require an uncommon frugality, in useless rhetorick, and untimely vehemence, we should proceed to examine in order the distinct paragraphs of this bill, by which it may more easily appear, whether it ought to be rejected or approved.

It cannot, indeed, be proposed, that any of the clauses shall be amended in this committee; for the claims of the commons, and the obstinacy with which they have always adhered to them, on whatever they are founded, is well known. I am old enough to remember the animosities which have arisen between the two houses, from attempts to adjust this part of their pretensions; animosities which at this time may be not only dangerous to ourselves, but fatal to a great part of mankind, and which it ought, therefore, to be our utmost care not to excite.

Lord AYLESFORD:—My lords, though the consideration of the distinct paragraphs of the bill be, as the noble lord has very justly observed, the proper business of the committee; yet since, as he has likewise observed, the present state of our affairs requires unusual expedition, I think we may very properly spare ourselves the trouble of considering paragraphs which we cannot amend; and which are in themselves so clear and so obvious, that they may be understood in their full extent upon a cursory perusal.

But, my lords, though I think it not proper to follow our usual method of considering the paragraphs distinctly,

which can only drive the bill forward towards the third reading, as it has already been forced into the committee; yet I think it not necessary to irritate the other house, alarm our allies, or encourage our enemies, by rejecting that bill by which it is intended that the supplies shall be raised. There is an easy and moderate method, by which the same end may be attained without any disturbance of the publick, any impediment of the schemes of the government, or any just offence to the commons.

Instead of passing or rejecting this bill, of which the first is absolutely criminal, and the second perhaps improper, let us only delay it, by which we shall give the commons time to reflect upon it, to reexamine it, and discover, what they, perhaps, have not hitherto suspected, its destructive tendency. Nor can it be doubted, but the observations which will arise from the necessity of inquiring into the reasons of our conduct, will soon induce them to form another bill, not liable to the same objections; I, therefore, second the noble lord's motion to resume the house.

Lord ISLAY:—My lords, if we consider the pretensions of the commons, and the stubbornness with which they have hitherto adhered to them, we shall easily find the impropriety of the noble lord's motion, and foresee the inefficacy of the methods which he so warmly recommends.

The alarm which he supposes us to give the commons by postponing the bill before us, the observations which they will make upon our conduct, the new informations which they will receive, and the new bill which they will send, are merely imaginary. They will not consider themselves as concerned in the delay or expedition of our procedure, but will suppose us to act upon our own reasons, which it is not necessary for them to examine, and will by no means send another bill for supplies, till they are informed that this is rejected.

Thus, my lords, we shall only retard the supplies, without altering, or being able to alter, the method of raising them; and at last pass that bill, without examination, which we now neglect to examine, lest we should pass it; or, perhaps, irritate the commons by the novelty of our con-

duct, which, if they should resolve to consider it, they will probably consider only to censure.

Lord AYLESFORD :—My lords, I am no stranger to the claims of the commons to the sole and independent right of forming money bills, nor to the heat with which that claim has been asserted, or the firmness with which it has always been maintained in late senates. Nor am I ignorant, that by contesting this claim, we have sometimes excited disputes, which nothing but a prorogation of the senate could appease.

I know, my lords, and allow, that by acting in any unusual manner with regard to bills of this kind, we may excite the resentment of the commons, and that some interruption of the publick business may, for want of candour and moderation, possibly ensue.

But, my lords, I cannot think the possibility of an ill consequence an argument sufficient to show the unreasonableness of my proposal; for the inconveniencies that may arise from postponing the bill, are only possible, but the calamities that we shall bring upon our country by passing it are certain.

But we are likewise to consider, my lords, that these events, of which it can only be said that they may happen, may also not happen. When I reflect that the house of commons is an assembly of reasonable beings, that it is filled by the representatives of the British people, by men who will share the calamities of the publick, and whose interest it is, equally with ours, to prevent the destruction of our commerce, the decay of our manufactures, the corruption of the present age, and the ruin of posterity, I cannot but hope that they will apply themselves to a candid review of the bill which they have sent, and without heat, jealousy, or disputes, explain it as they may do by another, which will be no deviation from the rules which they have established for themselves, and by which they may secure the happiness of their country without receding from their own pretensions.

The duke of BEDFORD :—My lords, the proposal made by the noble lord appears to me so prudent and equitable,

so moderate and so seasonable, and, in my opinion, suggests so easy a method of reconciling the pretensions of the commons with the necessity of amending the bill, that I cannot but think it worthy of the unanimous approbation of your lordships.

I am very far from conceiving the commons to be an assembly of men deaf to reason, or imagining them so void of all regard for the happiness of the publick, as that they will sacrifice it to an obstinate adherence to claims which they cannot but know to be in themselves disputable, and of which they must at least allow that they are only so far just as they contribute to the great end of government, the general good.

But lest they should, by any perverse and unseasonable obstinacy, attend more to the preservation of their own power than to the promotion of the happiness of their constituents, a method is now proposed, by which the errours of this bill may be corrected, without any concession of either house. The commons may easily be informed of the dangers which are justly dreaded from this bill; and may, therefore, prepare another, by which a tax of the same kind may be laid, without a general license of drunkenness; or if a method of laying a duty upon these liquors, which may at once hinder their excessive use, and increase the revenue of the government, cannot be discovered, they may raise the supplies for the year by some other scheme.

Lord CARTERET:—My lords, as the expedient proposed by these noble lords, however it may be recommended, as being at once moderate and efficacious, has, in reality, no other tendency than to procure an absolute rejection of this bill, it is proper to consider the consequences which may be reasonably expected from the measures which they have hitherto proposed.

In order to the effectual restraint of the common people from the use of these pernicious liquors, they assert the necessity of imposing a very large duty to be paid by the distiller, which might, indeed, produce, in some degree, the effect which they expect from it, but would

produce it by giving rise to innumerable frauds and inconveniencies.

The immediate consequence of a heavy duty would be the ruin of our distillery, which is now a very extensive and profitable trade, in which great multitudes are employed, who must instantly, upon the cessation of it, sink into poverty. Our stills, my lords, not only supply our natives with liquors, which they used formerly to purchase from foreign countries, and therefore increase, or at least preserve the wealth of our country; but they likewise furnish large quantities for exportation to Guernsey, Jersey, and other places. But no sooner will the duty proposed to be laid upon this liquor take place, than all this trade will be at an end, and those who now follow it will be reduced to support themselves by other employments; and those countries in which our spirits are now drank will be soon supplied from other nations with liquors at once cheaper and more pleasant.

It may be proposed, as an expedient for the preservation of our foreign trade, that the duty shall be repaid upon exportation; but the event of this provision, my lords, will be, that great quantities will be sent to sea for the sake of obtaining a repayment of the duty, which, instead of being sold to foreigners, will be privately landed again upon our own coasts.

Thus, my lords, will the duty be collected, and afterwards repaid; and the government will suffer the odium of imposing a severe tax, and incur the expense of employing a great number of officers, without any advantage to the publick. Spirits will, in many parts of the kingdom, be very little dearer than at present, and drunkenness and debauchery will still prevail.

That these arts, and a thousand others, will be practised by the people to obtain this infatuating liquor, cannot be doubted. It cannot be imagined that they will forbear frauds, who have had recourse to violence, or that those will not endeavour to elude the government, who have already defied it.

Every rigorous law will be either secretly evaded, or

openly violated; every severe restraint will be shaken off, either by artifice or vice; nor can this vice, however dangerous or prevalent, be corrected but by slow degrees, by straitening the reins of government imperceptibly, and by superadding a second slight restraint, after the nation has been for some time habituated to the first.

That the government proceeds by these easy and gentle methods of reformation, ought not to be imputed to negligence, but necessity; for so far has the government been from any connivance at this vice, that an armed force was necessary to support the laws which were made to restrain it, and secure the chief persons of the state from the insults of the populace, whom they had only provoked by denying them this pernicious liquor.

Since, therefore, my lords, all opposition to this predominant inclination has appeared without effect, since the government evidently wants power to conquer the united and incessant struggles for the liberty of drunkenness, what remains but that this vice should produce some advantage to the publick, in return for the innumerable evils which arise from it, and that the government should snatch the first opportunity of taxing that vice which cannot be reformed?

This duty arises, indeed, from a concurrence of different causes, of just designs in the government, and of bad inclinations in the people. The tax is just, and well meant; but it can be made sufficient to support the expenses to which it is appropriated, only by the resolution of the populace to continue, in some degree, their usual luxury.

I am far, my lords, from thinking this method of raising money eligible for its own sake, or justifiable by any other plea than that of necessity. If it were possible at once to extinguish the thirst of spirits, no man who had any regard for virtue, or for happiness, would propose to augment the revenue by a tax upon them.

But, my lords, rigour has been already tried, and found to be vain; it has been found equally fruitless to forbid the people to use spirits, as to forbid a man in a dropsy to drink. The force of appetite long indulged, and by in-

dulgence made superiour to the control of reason, is not to be overcome at once; it cannot be subdued by a single effort, but may be weakened; new habits of a more innocent kind may in time be superinduced, and one desire may counterbalance another.

We must endeavour, my lords, by just degrees, to withdraw their affections from this pernicious enjoyment, by making the attainment of it every year somewhat more difficult: but we must not quicken their wishes, and exasperate their resentment, by depriving them at once of their whole felicity. By this method, my lords, I doubt not but we shall obtain what we have hitherto endeavoured with so little success; and I believe that though, in open defiance of a severe law, spirits are now sold in every street of this city, a gentle restraint will, in a short time, divert the minds of the people to other entertainments, and the vice of drinking spirits will be forgotten among us.

Lord HERVEY then rose up again, and spoke to the effect following:—My lords, though I have always considered this bill as at once wicked and absurd, I imagined till now that the projectors of it would have been able to have argued, at least, speciously, though not solidly, in defence of it; nor did I imagine it to have been wholly indefensible, till I discovered how little the extensive knowledge, the long experience, and the penetrating foresight of the noble lord who spoke last, enabled him to produce in vindication of it.

His lordship's argument is reducible to this single assertion, that the drinking distilled liquors cannot be prevented; and from thence he drew this inference, that since it is a point of wisdom to turn misfortunes to advantage, we ought to contrive methods by which the debauchery of the people may enrich the government.

Though we should suppose the assertion true in any sense below that of absolute physical impossibility, the inference is by no means just; since it is the duty of governours to struggle against vice, and promote virtue with incessant assiduity, notwithstanding the difficulties that may for a time hinder the wisest and most rigorous mea-

sures from success. That governour who desists from his endeavours of reformation, because they have been once baffled, in reality abandons his station and deserts his charge, nor deserves any other character than that of laziness, negligence, or cowardice.

The preservation of virtue where it subsists, and the recovery of it where it is lost, are the only valuable purposes of government. Laws which do not promote these ends are useless, and those that obviate them are pernicious. The government that takes advantage of wicked inclinations, by accident predominant in the people, and, for any temporary convenience, instead of leading them back to virtue, plunges them deeper into vice, is no longer a sacred institution, because it is no longer a benefit to society. It is from that time a system of wickedness, in which bad ends are promoted by bad means, and one crime operates in subordination to another.

But, my lords, it is not necessary to show the unreasonableness of the inference, because the assertion from which it is deduced cannot be proved. That the excessive use of distilled liquors cannot be prevented, is a very daring paradox, not only contrary to the experience of all past times, but of the present; for the law which is now to be repealed, did in a great degree produce the effects desired from it, till the execution of it was suspended, not by the inability of the magistrates, or obstinacy of the people, but by the artifice of ministers, who promoted the sale of spirits secretly, for the same reason which incites our present more daring politicians to establish the use of them by a law.

The defects of this law, for that it was defective cannot be denied, were in the manner of levying the duty; for had half the duty that was demanded from the unlicensed retailers, been required from the distiller, there had been no need of informations; nor had we been stunned with the dismal accounts of the rage and cruelty of the people, or the violent deaths of those who endeavoured to grow rich by commencing prosecutions. The duty had been regularly paid, the liquors had been made too dear for

common use, and the name of spirits had been in a short time forgotten amongst us.

From this defect, my lords, arose all the difficulties and inconveniencies that have impeded the execution of the law, and prevented the effects that were expected from it, and by one amendment they might be all removed.

But instead of endeavouring to improve the efficacy of the remedy which was before proposed for this universal malady, we are now told, that it was too forcible to take effect, and that it only failed by the vigour of its operation. We are informed, that the work of reformation ought not to be despatched with too much expedition, that mankind cannot possibly be made virtuous at once, and that they must be drawn off from their habits by just degrees, without the violence of a sudden change.

What degrees the noble lord proposes to recommend, or what advantage he expects from allowing the people a longer time to confirm their habits, I am not able to discover. He appears to me rather to propose an experiment than a law, and rather to intend the improvement of policy, than the safety of the people.

This experiment is, indeed, of a very daring kind, in which not only the money but the lives of the people are hazarded: their money has, indeed, in all ages been subject to the caprices of statesmen, but their lives ought to be exempt from such dangerous practices, because, when once lost, they can never be recovered. By this bill, however, it is contrived to lay poison in the way of the people, poison which we know will be eagerly devoured by a fourth part of the nation, and will prove fatal to a great number of those that taste it; nor of this project is any defence made, but, that since the people love to swallow poison, it may be of advantage to the government to sell it.

It might not be improper, my lords, to publish to the people, by a formal proclamation, the benevolent intentions of their governours; and inform them, that licensed murderers are to be appointed, at whose shops they may infallibly be destroyed, without any danger of legal censures, provided they take care to use the poison prescribed by

the government, and increase, by their death, the publick revenue.

That money only is desired from this bill, is not only obvious from the first perusal of it, but confessed even by those who defend it; but not one has continued to assert, that it will produce a reformation of manners, or recommended it otherwise than as an experiment.

For this reason, my lords, I still think my motion for postponing the bill very reasonable, nor do I make any scruple to confess that I propose, by postponing, only a more gentle and inoffensive method of dropping it, that some other way of raising the supplies may be attempted, or that the duty may be raised to three shillings a gallon; the lowest tax that can be laid with a design of reformation.

This method, my lords, or any other by which another bill may be procured, should be pursued; for whatever schemes the commons may substitute, the nation can suffer nothing by the change, they cannot raise money in any other manner, but with less injury to the publick; since the greatest calamity which wrong measures can possibly produce, is the propagation of wickedness, and the establishment of debauchery.

Lord BATH then spoke, in substance as follows:—My lords, that this bill is, with great propriety, called an experiment, I am ready to allow, but do not think the justness of that expression any forcible argument against it; because I know not any law that can be proposed for the same end, without equally deserving the same appellation.

All the schemes of government, my lords, have been perfected by slow degrees, and the defects of every regulation supplied by the wisdom of successive generations. No man has yet been found, whose discernment, however penetrating, has enabled him to discover all the consequences of a new law, nor to perceive all the fallacies that it includes, or all the inconveniencies that it may produce; the first essay of a new regulation is, therefore, only an experiment made, in some degree, at random, and to be rectified by subsequent observations; in making which, the

most prudent conduct is only to take care that it may produce no ill consequences of great importance, before there may be an opportunity of reviewing it.

This maxim, my lords, is, in my opinion, strictly regarded in the present attempt, which in itself is an affair of very great perplexity. The health and virtue of the people are to be regarded on one part, and the continuance of a very gainful and extensive manufacture on the other; a manufacture by which only, or chiefly, the produce of our own nation is employed; and on which, therefore, the value of lands must very much depend.

Manufactures of this kind, my lords, ought never to be violently or suddenly suppressed. If they are pernicious to the nation in general, they are, at least, useful to a very great part, and to some, who have no other employment, necessary; and in the design of putting a stop to any detrimental trade, care is always to be taken that the inconvenience exceed not the benefit, and time be allowed for those that are engaged in it to withdraw to some other business, and for the commodities that are consumed by it, to be introduced at some other market, or directed to some other use.

These cautions are in this bill very judiciously observed. The trade, which all allow to administer supplies to debauchery, and fuel to diseases, will, by the provisions in this bill, sink away by degrees, and the health and virtue of the people will be preserved or restored without murmurs or commotions.

We must consider, likewise, my lords, the necessity of raising supplies, and the success with which they have hitherto been raised upon the scheme which is now under your consideration.

In examining the necessity of procuring supplies, I shall not expatiate upon the present danger of the liberties of all this part of the world; upon the distress of the house of Austria, the necessity of preserving the balance of power, or the apparent designs of the ancient and incessant disturbers of mankind, topicks which have been on former occasions sufficiently explained.

It is now only necessary to observe, that the state of our affairs requires expedition, and that a happy peace can only be expected from a successful war, and that war can only be made successful by vigour and despatch.

If by liberal grants of money, and ready concurrence in all necessary measures, we enable his majesty to raise a powerful army, there is no reason to doubt that a single campaign may procure peace, that it may establish the liberties of Europe, and raise our allies, who were so lately distressed, to their former greatness.

These supplies, my lords, which are so evidently necessary, may, by the method now proposed, be easily, speedily, and cheaply raised. Upon the security which this act will afford, large sums are already offered to the government at the low interest of three for a hundred, by those who, if the conditions of the loan are changed, will, perhaps, demand four in a few days, or raise money by a combination to the rate of five or six for a hundred; of which I would not remark how much it will embarrass the publick measures, or how much it will encourage our enemies to an obstinate resistance.

Such, my lords, are the inconveniencies to be feared from rejecting this bill, or from postponing it; by which is plainly intended only a more gentle and tender manner of rejecting it, by hinting to the commons your disapprobation of it, and the necessity of sending up another, which you cannot do without hazarding the peace of the nation and the fate of the war.

The commons, who are not obliged to inquire what reception their bills find here, may perhaps not immediately prepare another, but suffer time to elapse, till necessity shall oblige us to comply with those measures which we cannot approve.

They may, likewise, by a kind of senatorial craft, elude all our precautions, and make the rejection of the bill ineffectual, as was once done, when a bill for a tax upon leather was rejected: the commons, determining not to be directed in the methods of raising money, sent up the same bill with only a small alteration of the title, to lay a duty

upon tanned hides, which the lords were, for want of time, obliged to pass.

But, my lords, should the other house discover in this single instance, any uncommon degree of flexibility and complaisance, should they patiently endure the rejection of the bill, admit the validity of the reasons upon which your lordships have proceeded, and willingly engage in drawing up a new scheme for raising supplies; even upon this supposition, which is more favourable than can reasonably be formed, the business of the year will be very much perplexed, and the new bill hurried into a law without sufficient caution or deliberation.

The session is now, my lords, so far advanced, that many of the commons have retired into the country, whose advice and assistance may be necessary in the projection of a new money bill, so that the new bill must be formed in a short time, and by a thin house; and, indeed, the multiplicity of considerations necessary to another bill of this kind, is such, that I cannot think it prudent to advise or undertake it.

The committee on ways and means must strike out another scheme for a considerable impost, which, in the present state of the nation, is in itself no easy task. This scheme must be so adjusted as to be consistent with all the other taxes, which will require long consultations and accurate inquiries. It must then struggle, perhaps, through an obstinate and artful opposition, before it can pass through the forms of the other house; and, when it comes before your lordships, may be again opposed with no less zeal than the bill before us, and perhaps, likewise, with equal reason.

All these dangers and difficulties will be avoided by trying, for a single year, the experiment which is now proposed; and which, if that should fail, may be better adjusted in the time of leisure, which the beginning of the next session will undoubtedly afford; before which time I am afraid no amendment can possibly be made.

It has been proposed, indeed, by the noble lord, that three shillings should be laid upon every gallon of distilled

liquors, which would undoubtedly lessen the consumption, but would at the same time destroy the trade; a trade from which large profits may be in time gained; since our distillers have now acquired such skill, that the most delicate palate cannot distinguish their liquors from those which foreigners import.

If the duty be raised to the height proposed, it must be allowed to be repaid for all that shall be exported; otherwise foreign nations will deprive us of this part of our trade; and it has been already shown, that by mock exportations the duty may be frequently evaded.

Thus, my lords, there will be difficulties on either hand; if a duty so high be paid, the manufacturer will be ruined; if it be evaded, the consumption will be lessened.

One inconvenience will easily be discovered to be the necessary consequence of any considerable advance of the price. We may be certain that an act of the senate will not moderate the passions, or alter the appetites of the people; and that they will not be less desirous of their usual gratifications, because they are denied them. The poor may, indeed, yield to necessity, unless they find themselves able to resist the law, or to evade it; but those who can afford to please their taste, or exalt their spirits at a greater expense, will still riot as before, but with this difference, that their excesses will produce no advantage to the publick.

If an additional duty of three shillings be laid upon every gallon of distilled liquors, the product of our own distillery will be dearer than those liquors which are imported from foreign parts; and, therefore, it cannot but be expected that the money which now circulates amongst us, will in a short time be clandestinely carried into other countries.

Such, my lords, will be the effect of those taxes which are so strongly recommended; and, therefore, they ought not to be imposed till all other methods of proceeding have been found ineffectual.

It is possible, indeed, that the regulation specified in this bill may not produce any beneficial effect, and that the present practice of debauchery may still continue among

the people; but it is likewise possible that this tax may, by increasing the price, augment the revenue at the same time that it lessens the consumption.

This proposal has, by some lords, been treated as a paradox; but they certainly suspected it of falsehood, only for want of patience to form the calculations necessary in such disquisitions. The tax of the last year amounted to one hundred and seventy thousand pounds; this tax is now doubled, so that the same quantity will produce three hundred and forty thousand; but if one third less should be consumed, the present tax will amount to no more than two hundred and twenty thousand pounds; and when fifty thousand licenses are added, the revenue will gain an hundred thousand pounds, though one third part of the consumption should be hindered.

But, my lords, supposing no part of the consumption hindered, I cannot think that bill should be rejected, which, in a time of danger like the present, shall add to the publick revenue an annual income of more than two hundred thousand pounds, without lessening any manufacture, without burdening any useful or virtuous part of the nation, and without giving the least occasion to any murmurs among the people.

It is to be remembered, my lords, that whatever corruption shall prevail amongst us, it cannot be imputed to this bill, which did not make, but find the nation vitiated, and only turned their vices to publick advantage; so that if it produces any diminution of the sale of spirits, it is indisputably to be applauded as promoting virtue. If the sale of spirits still continues the same, it will deserve some degree of commendation, as it will, at least, not contribute to the increase of vice, and as it will augment the revenue without injuring the people; for how, my lords, can we be censured for only suffering the nation to continue in its former state?

Lord TALBOT then spoke in substance as follows:—My lords, if we consider the tendency of the argument used by the noble lord, the only argument on which he appears to lay any stress, it will prove, if it proves any thing, what

cannot be admitted by your lordships, without bidding farewell to independency, and acknowledging that you are only the substitutes of a higher power.

It appears by the tenor of his reasoning, that he considers this house as only obliged, in questions relating to supplies, to ratify the determinations of the other; to submit implicitly to their dictates, and receive their sovereign commands, without daring either to refuse compliance, or delay it.

If we conjoin the reasoning of the noble lord who spoke last, with that of one who spoke before in favour of the bill, we shall be able to discover the full extent of our power on these occasions; the first was pleased to inform us, that though we were at liberty to examine the paragraphs of this bill, we had no right, at least no power to amend them; because in money bills, the commons left us no other choice than that of passing or rejecting them.

This, my lords, might have been thought a sufficient contraction of those privileges which your ancestors transmitted to you, and the commons needed to have desired no farther concessions from this assembly, since this was a publick confession of a subordinate state, and admitted either that part of our ancient rights had been given up, or that we were at present too much depressed to dare to assert them.

We might, however, still comfort ourselves with the peaceful and uncontested possession of the alternative; we might still believe that what we could not approve we might reject, without irritating the formidable commons. But now, my lords, a new doctrine has been vented among us; we are told not only that we must not amend a money bill, but that it will be to no purpose to reject it; for that the other house will send it again without altering any thing but the title, and force it upon us, when there is no time for any other expedient.

If this, my lords, should be done, I know not how the bill might, at its second appearance, be received by other lords; for my part, I should vote immediately for rejecting it, without any alleviating or mollifying expedients. I

should reject it, my lords, even on the last day of the session, without any regard to the pretended necessity of raising supplies, and without suffering myself to be terrified into compliance by the danger of the house of Austria; for though I think the balance of power on the continent necessary to be preserved at the hazard of a fleet or an army, I cannot think it of equal importance to us with the equipoise of our own government; nor can I conceive it my duty to enslave myself to secure the freedom of another.

The danger, therefore, of disgusting the commons, at this or any other juncture, shall never influence me to a tame resignation of the privileges of our own house; nor shall I willingly allow any force to arguments which are intended only to operate upon our fear; and, therefore, unless there shall appear some better plea in favour of this bill, I shall think it my duty to oppose it.

The other plea is the difficulty, or, in the style of the noble lord who spoke last, the impossibility of raising supplies by any other method. That it is not easy to raise supplies by any new tax, in a nation where almost all the necessaries of life are loaded with imposts, must be readily allowed; but that it is impossible, the folly of the people, which is at least equal to their poverty, will not suffer me to grant.

One other expedient, at least, has been already discovered by the wonderful sagacity of our new ministers; an expedient which they cannot, indeed, claim the honour of inventing, but which appears so conformable to the rest of their conduct, and so agreeable to their principles, that I doubt not but they will very often practise it, if the continuance of their power be long enough to admit of a full display of their abilities.

Amidst their tenderness for our manufactures, and their regard for commerce, they have established a lottery for eight hundred thousand pounds, by which they not only take advantage of an inclination too predominant, an inclination to grow rich rather by a lucky hazard, than successful industry; but give up the people a prey to

stockjobbers, usurers, and brokers of tickets, who will plunder them without mercy, by the encouragement of those by whom it might be hoped that they would be protected from plunderers.

All lotteries, my lords, are games, which are not more honest or more useful for being legal; and the objection which has been made to all other games, and which has never yet been answered, will be found equally valid when applied to them. They engross that attention which might be employed in improving or extending our manufactures; they swallow that money which might circulate in useful trade; they give the idle and the diligent an equal prospect of riches; and by conferring unexpected wealth upon those who never deserved it, and know not how to use it, they promote extravagance and luxury, insolence and dissoluteness.

But these consequences, my lords, and a thousand others equally important, equally formidable, may be objected without effect, against any scheme by which money will be raised; money! the only end at which our ministers have aimed for almost half a century; money! by which only they have preserved the favour of the court, and the obedience of the senate; money! which has supplied the place of wisdom at one time, and of courage at another.

To gain money, my lords, they have injured trade by establishing a lottery; and they are now about to sacrifice the health and virtue of the people, to the preservation of a trade by which money may be furnished to the government. This, my lords, is their only design, however they may act, or whatever they may profess; if they endeavour to protect either the trade or lives of people, it is only because they expect a continuance of taxes from them; and when more desperate measures are necessary for the same purposes, they ruin their trade by one project, and destroy their lives by another.

Lord LONSDALE next spoke, to this effect:—My lords, it is not without the utmost grief and indignation, that I find this house considered by some who have spoken in vindication of this bill, as obliged to comply with any pro-

posals sent up by the commons for raising money, however destructive to the publick, or however contrary to the dictates of our conscience, or convictions of our reason.

What is this, my lords, but once more to vote ourselves useless? What but to be the first that shall destroy the constitution of the government, and give up that liberty which our ancestors established?

That this is really the design of any of the noble lords, who have spoken in vindication of the bill, and have asserted the necessity of passing it, without any attempts to amend it, I am very far from affirming; but certainly, my lords, this, and this only, is the consequence of their positions, with whatever intention they may have advanced them; for how, my lords, can we call ourselves independent, if we are to receive the commands of the other house? or with what propriety can we assume the title of legislators, if we are to pass a bill like this without examination?

The bill now before us, my lords, is of the utmost importance to the happiness of that nation whose welfare we have hitherto been imagined to superintend. In this bill are involved not only the trade and riches, but the lives and morals of the British people; nor can we suffer it to pass unexamined, without betraying the nation to wickedness and destruction.

Should we, on this occasion, suffer ourselves to be degraded from legislators to messengers from the commons to the throne; should we be content only to transmit the laws which we ought to amend, and resign ourselves up implicitly to the wisdom of those whom we have formerly considered as our inferiours, I know not for what purpose we sit here. It would be my counsel that we should no longer attempt to preserve the appearance of power, when we have lost the substance, or submit to share the drudgery of government, without partaking of the authority.

The time of such desperation is, indeed, not yet arrived; but every act of servile compliance will bring it nearer; and, therefore, my lords, for the sake of ourselves, as well as of the people, I join the noble lord's motion for resuming the house, that farther information may be ob-

tained both by ourselves, by the commons, and by the nation.

The duke of NEWCASTLE then rose, and spoke to the effect following:—My lords, I believe no lord in this assembly is more zealous for the advantage of the publick than myself, or more desirous to preserve the lives, or amend the morals of the people; but I cannot think that this character can justly imply any dislike of the bill now before us.

If I should admit what the noble lord has asserted, that the lives and morals of the people are affected by this bill, I cannot yet see that his inference is just, or that our compliance with the motion is, therefore, necessary.

That under the present regulation, the miseries of the nation are every day increased; that corruption spreads every day wider, and debauchery makes greater havock, is confessed on all sides; and, therefore, I can discover no reason for continuing the laws in their present state, nor can think that we ought to decline any experiment by which that disorder, which cannot be increased, may possibly be lessened.

It is confessed by the noble lords, who declare their approbation of the motion for postponing the consideration of this bill, that they intend nothing less than a gentle and tacit manner of dropping it, by showing the commons that though to avoid offence they do not absolutely reject it, yet they cannot approve it, and will not pass it; and that, therefore, the necessity of raising supplies, requires that another bill should be formed, not liable to the same objections.

The consequence of this procedure, my lords, can only be, that either the commons will form another bill for raising money, or that they will send up this again with a new title, and such slight alterations as not the happiness of the nation, but the forms of the senate demand.

If, in return for our endeavours to reform a bill, of which they think themselves the only constitutional judges, they should send it again with only another title; what, my lords, shall we procure by the delay, but a new occa-

sion of murmurs and discontent, a new confirmation of the power of the commons, and an establishment of senatorial chicanery, at once pernicious to the publick, and ignominious to ourselves.

That the commons, in sending back a bill that has been rejected in this house, with only a change in the title, act contrary to the end of senatorial consultations, though consistently with their external forms, cannot be denied: but as each house is without any dependence on the other, such deviations from the principles of our constitution, however injurious to our authority, or however detrimental to the nation, cannot be punished, nor otherwise prevented, than by caution and prudence.

If, therefore, the commons, as they have formerly done, should return the bill without alteration, we shall only have impaired our own authority, and shaken the foundations of our government by a fruitless opposition. Nor shall we gain any advantage, though they should comply with our expectations, and employ the little time that remains in contriving a new tax; for corruption must then proceed without opposition, the people must grow every day more vitious, and debauchery will, in a short time, grow too general to be suppressed.

With regard to the bill before us, the only question that is necessary or proper, is, whether it will promote or hinder the consumption of distilled liquors? for as to the effects of those liquors, those that vindicate, and that oppose this bill, are of the same opinion; and all will readily allow, that if the law now proposed shall be found to increase the consumption which it was intended to diminish, it ought immediately to be repealed, as destructive to the people, and contrary to the end for which it was designed; but if the additional duties shall produce any degree of restraint, if they shall hinder the consumption even of a very small part, I think it must be allowed that the provisions are just and useful; since it has already appeared, that this vice is too deeply rooted to be torn up at once; and that, therefore, it is to be pruned away by imperceptible diminution.

Whether the provisions now offered in the bill might not admit of improvements; whether some other more efficacious expedients might not be discovered; and whether the duties might not be raised yet higher, with more advantage to the publick, may undoubtedly admit of long disputes and deep inquiries; but for these inquiries and disputes, my lords, there is at present no time: the affairs of the continent require our immediate interposition, the general oppressors of the western world are now endeavouring to extend their dominions, and exalt their power beyond the possibility of future opposition; and our allies, who were struggling against them, can no longer continue their efforts without assistance.

At a time like this, my lords, it is not proper to delay the supplies by needless controversies; or, indeed, by any disputes which may, without great inconvenience, be delayed to a time of tranquillity, a time when all our inquiries may be prosecuted at leisure, when every argument may be considered in its full extent, and when the improvement of our laws ought, indeed, to be our principal care. At present it appears to me, that every method of raising money, without manifest injury to the morals of the people, deserves our approbation; and, therefore, that we ought to pass this bill, though it should not much hinder the consumption of spirituous liquors, if it shall barely appear that it will not increase it.

It is at least proper, that, at this pressing exigence, those that oppose the bills by which supplies are to be raised, should, by offering other expedients, show that their opposition proceeds not from any private malevolence to the ministry, or any prepossession against the publick measures, but from a steady adherence to just principles, and an impartial regard for the publick good; for it may be suspected, that he who only busies himself in pulling down, without any attempts to repair the breaches that he has made, with more fit or durable materials, has no real design of strengthening the fortification.

It has been proposed, indeed, by one of the noble lords, that a tax of three shillings a gallon should be laid upon

all distilled spirits, and collected by the laws of excise at the still-head, which would doubtless secure a great part of the people from the temptations to which they are at present exposed, but would at the same time produce another effect not equally to be desired.

I have been informed, my lords, upon mentioning this proposal in conversation, that such duties will raise the price of the liquors distilled among us above that of foreign countries; and that, therefore, not only all our foreign trade of this kind would be immediately destroyed, but that many of those who now drink our own spirits, only because they are cheaper, will then purchase those of foreign countries, which are generally allowed to be more pleasant.

That this is really the state of the affair, I do not affirm; for I now relate only what I have heard from others; but surely the imposition of so heavy a duty requires a long consideration; nor can it be improper to mention any objections, the discussion of which may contribute to our information.

But any other regulations than those now offered, will require so many inquiries, and so long consultation, that the senate will expect to be dismissed from their attendance, before any resolutions are formed; and when once the supplies are provided, we shall find ourselves obliged to leave the law relating to spirituous liquors in its present state.

Then, my lords, will the enemies of the government imagine that they have a new opportunity of gratifying their malignity, by censuring us as wholly negligent of the publick happiness, and charge us with looking without concern upon the debauchery, the diseases, and the poverty of the people, without any compassion of their wants, or care of their reformation.

That to continue the present law any longer, will be only to amuse ourselves with ineffectual provisions, is universally allowed; nor is there any difference of opinion with regard to the present state of the vice which we are now endeavouring to hinder. The last law was well intended,

but was dictated by anger, and ratified by zeal; and therefore was too violent to be executed, and, instead of reforming, exasperated the nation.

No sooner, therefore, did the magistrates discover the inflexible resolution of the people, their furious persecution of informers, and their declared hatred of all those who concurred in depriving them of this dangerous pleasure, than they were induced, by regard to their own safety, to relax that severity which was enjoined, and were contented to purchase safety by gratifying, or, at least, by not opposing those passions of the multitude, which they could not hope to control; the practice of drinking spirits continued, and the consumption was every year greater than the former.

This, my lords, is the present state of the nation; a state sufficiently deplorable, and which all the laws of humanity and justice command us to alter. This is the universal declaration. We all agree, that the people grow every day more corrupt, and that this corruption ought to be stopped; but by what means is yet undecided.

Violent methods and extremity of rigour have been already tried, and totally defeated; it is, therefore, proposed to try more easy and gentle regulations, that shall produce, by slow degrees, the reformation which cannot be effected by open force; these new regulations appear to many lords not sufficiently coercive, and are imagined still less likely to reform a vice so inveterate, and so firmly established.

These opinions I cannot flatter myself with the hope of reconciling; but must yet observe, that the consumption of these liquors, as of all other commodities, can only be lessened by proper duties, and that every additional imposition has a tendency to lessen them; and since, so far as it extends, it can produce no ill effects, deserves the approbation of those who sincerely desire to suppress this odious vice that has so much prevailed, and been so widely diffused.

It is, indeed, possible, that the duties now proposed may be found not sufficient; but for this defect there is an easy remedy. The duty, if it be found, by the experience of a

single year, to be too small, may, in the next, be easily augmented, and swelled, by annual increases, even to the height which is now proposed, if no remedy more easy can be found.

It may be objected, that this fund will be mortgaged for the payment of the sums employed in the service of the war; and that, therefore, the state of the duty cannot afterwards be altered without injustice to the publick creditors, and a manifest violation of the faith of the senate; but, my lords, though in the hurry of providing for a pressing and important war, the commons could not find any other method so easy of raising money, it cannot be doubted but that when they consider the state of the nation at leisure, they will easily redeem this tax, if it shall appear inconvenient, and substitute some other, less injurious to the happiness of the publick.

It was not impossible for them to have done this in the beginning of this session; nor can it be supposed, that men so long versed in publick affairs, could not easily have proposed many other imposts; but it may be imagined, that they chose this out of many, without suspecting that it would be opposed; and believed, that they were at once raising supplies, and protecting the virtue of the people.

Nor, indeed, my lords, does it yet appear that they have been mistaken; for though the arguments of the noble lords who oppose the bill are acute and plausible, yet since they agree that the consumption of these liquors is, at last, to be hindered by raising their price, it is reasonable to conceive, that every augmentation of the price must produce a proportionate diminution of the consumption; and that, therefore, this duty will contribute, in some degree, to the reformation of the people. It seems, at least, in the highest degree probable, that it cannot increase the evil which it is intended to remedy; and that, therefore, we may reasonably concur in it, as it will furnish the government with supplies, without any inconvenience to those that pay them.

The bishop of OXFORD next spoke to this effect:—My lords, this subject has already been so acutely considered,

and so copiously discussed, that I rise up in despair of proposing any thing new, of explaining any argument more clearly, or urging it more forcibly, of starting any other subject of consideration, or pointing out any circumstance yet untouched in those that have been proposed.

Yet, my lords, though I cannot hope to add any thing to the knowledge which your lordships have already obtained of the subject in debate, I think it my duty to add one voice to the truth, and to declare, that in the balance of my understanding, the arguments against the bill very much outweigh those that have been offered in its favour.

It is always presumed by those who vindicate it, that every augmentation of the price will necessarily produce a proportionate decrease of the consumption. This, my lords, is the chief, if not the only argument that has been advanced, except that which is drawn from the necessity of raising supplies, and the danger of disgusting the other house. But this argument, my lords, is evidently fallacious; and therefore the bill, if it passes, must pass without a single reason, except immediate convenience.

Let us examine, my lords, this potent argument, which has been successively urged by all who have endeavoured to vindicate the bill, and echoed from one to another with all the confidence of irrefragability; let us consider on what suppositions it is founded, and we shall soon find how easily it will be dissipated.

It is supposed, by this argument, that every drinker of these liquors spends as much as he can possibly procure; and that therefore the least additional price must place part of his pleasure beyond his reach. This, my lords, cannot be generally true; it is perhaps generally, if not universally false. It cannot be doubted, but that many of those who corrupt their minds and bodies with these pernicious draughts, are above the necessity of constraining their appetites to escape so small an expense as that which is now to be imposed upon them; and even of those whose poverty can sink no lower, who are in reality exhausted by every day's debauch, it is at least as likely that they will insist upon more pay for their work, or that they will steal

with more rapacity, as that they will suffer themselves to be debarred from the pleasures of drunkenness.

It is not certain that this duty will make these liquors dearer to those who drink them; since the distiller will more willingly deduct from his present profit the small tax that is now proposed, than suffer the trade to sink; and even if that tax should be, as is usual, levied upon the retailer, it has been already observed, that, in the quantities necessary to drunkenness, it will not be perceptible.

But, my lords, though this argument appears thus weak upon the first and slightest consideration, the chief fallacy is still behind. Those, who have already initiated themselves in debauchery, deserve not the chief consideration of this assembly; they are, for the greatest part, hopeless and abandoned, and can only be withheld by force from complying with those desires to which they are habitually enslaved. They may, indeed, be sometimes punished, and at other times restrained, but cannot often be reformed.

Those, my lords, who are yet uncorrupted, ought first to engage our care; virtue is easily preserved, but difficultly regained. But for those what regard has hitherto been shown? What effect can be expected from this bill, but that of exposing them to temptations, by placing unlawful pleasures in their view? pleasures, which, however unworthy of human nature, are seldom forsaken after they have once been tasted.

In the consideration of the present question, it is to be remembered, that multitudes are already corrupted, and the contagion grows more dangerous in proportion as greater numbers are infected.

To stop the progress of this pestilence, my lords, ought to be the governing passion of our minds; to this point ought all our aims to be directed, and for this end ought all our projects to be calculated.

But how, my lords, is this purpose promoted by a law which gives a license, an unlimited and cheap license, for the sale of that liquor, to which, even those who support the bill impute the present corruption of the people? This surely is no rational scheme of reformation, nor can it be

imagined, that a favourite and inveterate vice is to be extirpated by such gentle methods.

Let us consider, my lords, more nearly the effects of this new-invented regulation, and we shall see how we may expect from them the recovery of publick virtue. A law is now to be repealed, by which the use of distilled liquors is prohibited, but which has not been for some time put in execution, or not with vigour sufficient to surmount the difficulties and inconveniencies by which its operation was obstructed. The law is, however, yet in force, and whoever sells spirits must now sell them at the hazard of prosecution and penalties, and with an implicit confidence in the kindness and fidelity of the purchaser.

It cannot be supposed, my lords, but that a law like this must have some effect. It cannot be doubted that some are honest and others timorous; and that among the wretches who are most to be suspected of this kind of debauchery, there are some in whom it is not safe to confide; they, therefore, must sometimes be hindered from destroying their reason by other restraints than want of money; and, when they are trusted with the secret of an illegal trade, must pay a dearer rate for the danger that is incurred.

But when this law is repealed, and every street and alley has a shop licensed to distribute this delicious poison, what can we expect? The most sanguine advocate for the bill cannot surely hope, that any of those who now drink spirits will refrain from them, only because they are sold without danger; and though what cannot be proved, or even hoped, should be admitted, that some must content themselves with a smaller quantity on account of the advanced price, yet while they take all opportunities of debauchery, while they spend, in this destructive liquor, all that either honest labour or daring theft will supply, they must always be examples of intemperance; such examples as, from the experience of late years, we have reason to believe will find many imitators; and therefore will promote at once the consumption of spirits, and the corruption of the people.

There is always to be found in wickedness a detestable ambition of gaining proselytes: every man who has suffered himself to be corrupted, is desirous to hide himself from infamy in crowds as vitious as himself, or desires companions in wickedness from the same natural inclination to society, which prompts almost every man to avoid singularity on other occasions.

Whatever be the reason, it may be every day observed, that the great pleasure of the vitious is to vitiate others; nor is it possible to squander an hour in the assemblies of debauchees of any rank, without observing with what importunity innocence is attacked, and how many arts of sophistry and ridicule are used to weaken the influence of virtue, and suppress the struggles of conscience.

The fatal art by which virtue is most commonly overborne is the frequent repetition of temptations, which, though often rejected, will at some unhappy moment generally prevail, and, therefore, ought to be removed; but which this bill is intended to place always in sight.

To what purpose will it be, my lords, to deprive nine hardened profligates of a tenth part of the liquor which they now drink, which is the utmost that this duty will effect? If they have an opportunity of corrupting one by their solicitation and example, the difference between nine and ten acts of debauchery is of very small importance to mankind, or even to the persons who are thus restrained, since their forbearance of the utmost excesses is only the effect of their poverty, not of their virtue.

How far is such restraint from being equivalent to the corruption of one mind, yet pure and undebauched! to the seduction of one heart from virtue, and a new addition to the interest and prevalence of wickedness! If it be necessary that the supplies should be raised for the government by the use of this pernicious liquor, it is desirable that it should be confined to few, and that it should rather be swallowed in large quantities by hopeless drunkards, than offered everywhere to the taste of innocence and youth, in licensed houses of wickedness.

The consumption will, for a time, be the same in both

cases, but with this important difference, that wickedness would only be continued, not promoted; and as the poison would rid the land by degrees of the present race of profligates, it might be hoped, that our posterity would be uninfected.

But under the present scheme of regulations, my lords, vice will be propagated under the countenance of the legislature; and that kind of wickedness by which the nation is so infatuated that it has increased yearly, in opposition to a penal law, will now not only be suffered, but encouraged, and enjoy not impunity only, but protection.

Thus, if we pass the bill, we shall not even be able to boast the petty merit of leaving the nation in its present state; we shall take away the present restraints of vice, without substituting any in their place; we shall, perhaps, deprive a few hardened drunkards of a small part of the liquor which they now swallow, but shall open, according to the expectation of the noble lord, fifty thousand houses of licensed debauchery for the ruin of millions yet untainted.

To leave the nation in its present state, which is allowed on all hands to be a state of corruption, seems to be the utmost ambition of one of the noble lords, who has pleaded with the greatest warmth for this bill; for he concluded, with an air of triumph, by asking, how we can be censured for only suffering the nation to continue in its former state?

We may be, in my opinion, my lords, censured as traitors to our trust, and enemies to our country, if we permit any vice to prevail, when it is in our power to suppress it. We may be cursed, with justice, by posterity, as the abettors of that debauchery by which poverty and disease shall be entailed upon them, contemned in the present as the flatterers of those appetites which we ought to regulate, and insulted by that populace whom we dare not oppose.

Had none of our predecessors endeavoured the reformation of the people, had they contented themselves always to leave the nation as they found it, there had been long ago an end of all the order and security of society; for the natural depravity of human nature has always a

tendency from less to greater evil; and the same causes which had made us thus wicked, will, if not obviated, make us worse.

Since the noble lord thinks it not necessary to attempt the reformation of the people, he might have spared the elaborate calculation by which he has proved, that a large sum will be gained by the government, though one third part of the consumption be prevented; for it is of very little importance to discuss the consequences of an event which will never happen. He should first have proved, that a third part of the consumption will in reality be prevented, and then he might very properly have consoled the ministry, by showing how much they would gain from the residue.

That this bill, as it now stands, will produce a large revenue to the government, but no reformation in the people, is asserted by those that oppose, and undoubtedly believed by those that defend it; but as this is not the purpose which I am most desirous of promoting, I cannot but think it my duty to agree to the proposal of the noble lord, that by postponing the consideration of the bill, more exact information may be obtained by us, and the commons may be alarmed at the danger into which the nation has been brought by their precipitation.

Lord BATH then rose again, and spoke to the following effect:—My lords, as the noble lord who has just spoken appears to have misapprehended some of my assertions, I think it necessary to rise again, that I may explain with sufficient clearness what, perhaps, I before expressed obscurely, amidst the number of different considerations that crowded my imagination.

With regard to the diminution that might be expected from this law, I did not absolutely assert, at least, I did not intend to assert, that a third part would be taken off; but only advanced that supposition as the basis of a calculation, by which I might prove what many lords appeared to doubt, that the consumption might possibly be diminished, and yet the revenue increased.

Upon this supposition, which must be allowed to be rea-

sonable, both the purposes of the bill will be answered, and the publick supplies will be raised by the suppression of vice.

The diminution of the consumption may be greater or less than I have supposed. If it be greater, the revenue will be, indeed, less augmented; but the purposes which, in the opinion of the noble lords who oppose the bill, are more to be regarded, will be better promoted, and all their arguments against it will be, at least, defeated; nor will the ministry, I hope, regret the failure of a tax which is deficient only by the sobriety of the nation.

If the diminution be less than I have supposed, yet if there be any diminution, it cannot be said that the bill has been wholly without effect, or that the ministry have not proceeded either with more judgment or better fortune than their predecessors, or that they have not, at least, taken advantage of the errours that have been committed. It must be owned, that they have either reformed the nation, or at least pointed out the way by which the reformation that has been so long desired, may be effected.

That this tax will in some degree hinder drunkenness, it is reasonable to expect, because it can only be hindered by taxing the liquors which are used in excess; but there yet remain, concerning the weight of the tax that ought to be laid upon them, doubts which nothing but experience can, I believe, remove.

By experience, my lords, we have been already taught, that taxes may be so heavy as to be without effect; that restraint may be so violent as to produce impatience; and, therefore, it is proper in the next essay to proceed by slow degrees and gentle methods, and produce that effect imperceptibly which we find ourselves unable to accomplish at once.

I cannot therefore think, that the duty of three shillings a gallon can be imposed without defeating our own design, and compelling the people to find out some method of eluding the law like that which was practised after the act, by which in the second year of his present majesty, five shillings were imposed upon every gallon of compound

waters; after which it is well known, that the distillers sold a simple spirit under the contemptuous title of *senatorial brandy*, and the law being universally evaded, was soon after repealed as useless.

Such, my lords, or worse, will be the consequence of the tax which the noble lord has proposed; for if it cannot be evaded, spirits will be brought from nations that have been wiser than to burden their own commodities with such insupportable impost, and the empire will soon be impoverished by the exportation of its money.

Lord HERVEY answered, in substance as follows:—My lords, I am very far from thinking the arguments of the noble lord such as can influence men desirous to promote the real and durable happiness of their country; for he is solicitous only about the prosperity of the British manufactures, and the preservation of the British trade, but has shown very little regard to British virtue.

That part of his argument is, therefore, not necessary to be answered, if the suggestion upon which it is founded were true, since it will be sufficient to compare the advantage of the two schemes. And with regard to his insinuation, that senatorial brandy may be revived by a high duty, I believe, first, that no such evasion can be contrived, and in the next place am confident, that it may be defeated by burdening the new-invented liquor, whatever it be, if it be equally pernicious, with an equal tax. The path of our duty, my lords, is plain and easy, and only represented difficult by those who are inclined to deviate from it.

Lord BATHURST spoke next, to the effect following:—My lords, whatever measures may be practised by the people for eluding the purposes of the bill now before us, with whatever industry they may invent new kinds of senatorial brandy, or by whatever artifices they may escape the diligence of the officers employed to collect a duty levied upon their vices and their pleasures, there is, at least, no danger that they will purchase from the continent those liquors which we are endeavouring to withhold from them, or that this bill will impoverish our country by promoting a trade contrary to its interest.

What would be the consequence of the duty of three shillings a gallon, proposed by the noble lord, it is easy to judge. What, my lords, can be expected from it, but that it will either oblige or encourage the venders of spirits to procure from other places what they can no longer buy for reasonable prices at home? and that those drunkards who cannot or will not suddenly change their customs, will purchase from abroad the pleasures which we withhold from them, and the wealth of the nation be daily diminished, but the virtue little increased?

Thus, my lords, shall we at once destroy our own manufacture and promote that of our neighbours. Thus shall we enrich other governments by distressing our own, and instead of increasing sobriety, only encourage a more expensive and pernicious kind of debauchery.

In the bill now under our consideration, a middle way is proposed, by which reformation may be introduced by those gradations which have always been found necessary when inveterate vices are to be encountered. In this bill every necessary consideration appears to have been regarded, the health of the people will be preserved, and their virtue recovered, without destroying their trade or starving their manufacturers.

The efficacy of this bill seems, indeed, to be allowed by some of the lords who oppose it, since their chief objection has arisen from their doubts whether it can be executed. If a law be useless in itself, it is of no importance whether it is executed or not; and, therefore, I think it may safely be inferred, that they who are solicitous how it may be enforced, are convinced of its usefulness.

If this, my lords, be the chief objection now remaining, a little consideration will easily remove it; for it is well known, that the only obstruction of the former law was the danger of information; but this law, my lords, is so contrived, that it will promote the execution of itself; for by setting licenses at so low a price, their number will be multiplied, and every man who has taken a license will think himself justified in informing against him that shall retail spirits without a legal right.

If, therefore, there should be, as a noble lord has very reasonably supposed, fifty thousand licensed venders of these liquors, there will likewise be fifty thousand informers against unlawful traders; and as the liquors may then always be had under sanction of the law, the populace will not interest themselves in that process which can have no tendency to obstruct their pleasure.

Thus, my lords, shall we, by agreeing to this bill, make a law that will be at once useful to the government and beneficial to the people, which will be at once powerful in its effects and easy in its execution; and, therefore, instead of attending any more to the wild and impracticable schemes of heavy taxes, rigorous punishments, sudden reformations, and violent restraints, I hope we shall unanimously approve this method, from which so much may be hoped, while nothing is hazarded.

Lord CARTERET then rose up, and spoke in substance as follows:—My lords, though the noble lord who has been pleased to incite us to an unanimous concurrence with himself and his associates of the ministry, in passing this excellent and wonder-working bill, this bill, which is to lessen the consumption of spirits, without lessening the quantity which is distilled, which is to restrain drunkards from drinking, by setting their favourite liquor always before their eyes, to conquer habits by continuing them, and correct vice by indulging it, according to the lowest reckoning, for at least another year; yet, my lords, such is my obstinacy, or such my ignorance, that I cannot yet comply with his proposal, nor can prevail with myself either to concur with measures so apparently opposite to the interest of the publick, or to hear them vindicated, without declaring how little I approve them.

During the course of this long debate I have endeavoured to recapitulate and digest the arguments which have been advanced, and have considered them both separate and conjoined; but find myself at the same distance from conviction as when I entered the house; nor do I imagine, that they can much affect any man who does not voluntarily assist them by strong prejudice.

In vindication of this bill, my lords, we have been told that the present law is ineffectual; that our manufacture is not to be destroyed, or not this year; that the security offered by the present bill has induced great numbers to subscribe to the new fund; that it has been approved by the commons; and that, if it be found ineffectual, it may be amended another session.

All these arguments, my lords, I shall endeavour to examine, because I am always desirous of gratifying those great men to whom the administration of affairs is intrusted, and have always very cautiously avoided the odium of disaffection which they will undoubtedly throw, in imitation of their predecessors, upon all those whose wayward consciences shall oblige them to hinder the execution of their schemes.

With a very strong desire, therefore, though with no great hopes of finding them in the right, I venture to begin my inquiry, and engage in the examination of their first assertion, that the present law against the abuse of strong liquors is without effect.

I hope, my lords, it portends well to my inquiry, that the first position which I have to examine is true, nor can I forbear to congratulate your lordships upon having heard from the new ministry one assertion not to be contradicted.

It is evident, my lords, from daily observation, and demonstrable from the papers upon the table, that every year, since the enaction of the last law, that vice has increased which it was intended to repress, and that no time has been so favourable to the retailers of spirits as that which has passed since they were prohibited.

It may, therefore, be expected, my lords, that having agreed with the ministers in their fundamental proposition, I shall concur with them in the consequence which they draw from it; and having allowed that the present law is ineffectual, should admit that another is necessary.

But, my lords, in order to discover whether this consequence be necessary, it must first be inquired why the present law is of no force? For, my lords, it will be found,

upon reflection, that there are certain degrees of corruption that may hinder the effects of the best laws. The magistrates may be vitious, and forbear to enforce that law, by which themselves are condemned; they may be indolent, and inclined rather to connive at wickedness by which they are not injured themselves, than to repress it by a laborious exertion of their authority; or they may be timorous, and, instead of awing the vitious, may be awed by them.

In any of these cases, my lords, the law is not to be condemned for its inefficacy, since it only fails by the defect of those who are to direct its operations; the best and most important laws will contribute very little to the security or happiness of a people, if no judges of integrity and spirit can be found amongst them. Even the most beneficial and useful bill that ministers can possibly imagine, a bill for laying on our estates a tax of the fifth part of their yearly value, would be wholly without effect, if collectors could not be obtained.

I am, therefore, my lords, yet doubtful, whether the inefficacy of the law now subsisting necessarily obliges us to provide another; for those that declared it to be useless, owned at the same time, that no man endeavoured to enforce it; so that, perhaps, its only defect may be, that it will not execute itself.

Nor though I should allow, that the law is at present impeded by difficulties which cannot be broken through, but by men of more spirit and dignity than the ministers may be inclined to trust with commissions of the peace, yet it can only be collected that another law is necessary, not that the law now proposed will be of any advantage.

Great use has been made of the inefficacy of the present law to decry the proposal made by the noble lord for laying a high duty upon these pernicious liquors. High duties have already, as we are informed, been tried without advantage; high duties are at this hour imposed upon those spirits which are retailed, yet we see them every day sold in the streets without the payment of the tax required; and, therefore, it will be folly to make a second

essay of means which have been found, by the experience of many years, unsuccessful.

It has been granted on all sides in this debate, nor was it ever denied on any other occasion, that the consumption of any commodity is most easily to be hindered by raising its price, and its price is to be raised by the imposition of a duty; this, my lords, which is, I suppose, the opinion of every man, of whatever degree of experience or understanding, appears likewise to have been thought by the authors of the present law; and, therefore, they imagined, that they had effectually provided against the increase of drunkenness, by laying upon that liquor which should be retailed in small quantities, a duty which none of the inferiour classes of drunkards would be able to pay.

Thus, my lords, they conceived that they had reformed the common people, without infringing the pleasures of others, and applauded the happy contrivance by which spirits were to be made dear only to the poor, while every man who could afford to purchase two gallons, was at liberty to riot at his ease, and over a full flowing bumper look down with contempt upon his former companions, now ruthlessly condemned to disconsolate sobriety, or obliged to regale themselves with liquor which did no speedy execution upon their cares, but held them for many tedious hours in a languishing possession of their senses and their limbs.

But, my lords, this intention was frustrated, and the project, ingenious as it was, fell to the ground; for though they had laid a tax, they unhappily forgot that this tax would make no addition to the price, unless it was paid; and that it would not be paid, unless some were empowered to collect it.

Here, my lords, was the difficulty; those who made the law were inclined to lay a tax from which themselves should be exempt, and, therefore, would not charge the liquor as it issued from the still; and when once it was dispersed in the hands of petty dealers, it was no longer to be found without the assistance of informers, and informers could not carry on the business of persecution without the consent of the people.

It is not necessary to dwell any longer upon the law of which the repeal is proposed, since it appears already, that it failed only from a partiality not easily defended, and from the omission of what is now proposed, the collection of the duty as the liquor is distilled.

If this method be followed, there will be no longer any need of information, or of any rigorous or new measures; the same officers that collect a smaller duty may levy a greater, nor can they be easily deceived with regard to the quantities that are made; the deceits, at least, that can be used, are in use already; they are frequently detected and suppressed; nor will a larger duty enable the distillers to elude the vigilance of the officers with more success.

Against this proposal, therefore, the inefficacy of the present law can be no objection; but it is urged, that such duties would destroy the trade of distilling; and a noble lord has been pleased to express great tenderness for a manufacture so beneficial and extensive.

I cannot but sometimes wonder, my lords, at the amazing variety of intellects, which every day furnishes some opportunity or other of observing, and which cannot but be remarked on this occasion, when one produces against a proposal the very argument which another offers in its favour. That a large duty levied at the still would destroy or very much impair the trade of distilling, is certainly supposed by those who defend it, for they proposed it only for that end; and what better method can they propose, when they are called to deliberate upon a bill for the prevention of the excessive use of distilled liquors?

The noble lord has been pleased kindly to inform us, that the trade of distilling is very extensive, that it employs great numbers, and that they have arrived at exquisite skill, and therefore,—note well the consequence—the trade of distilling is not to be discouraged.

Once more, my lords, allow me to wonder at the different conceptions of different understandings. It appears to me, that since the spirits which the distillers produce are allowed to enfeeble the limbs, and vitiate the blood, to pervert the heart, and obscure the intellects, that the number

of distillers should be no argument in their favour! For I never heard that a law against theft was repealed or delayed, because thieves were numerous. It appears to me, my lords, that if so formidable a body are confederated against the virtue or the lives of their fellow-citizens, it is time to put an end to the havock, and to interpose, while it is yet in our power to stop the destruction.

As little, my lords, am I affected with the merit of the wonderful skill which the distillers are said to have attained: it is, in my opinion, no faculty of great use to mankind, to prepare palatable poison; nor shall I ever contribute my interest for the reprieve of a murderer, because he has, by long practice, obtained great dexterity in his trade.

If their liquors are so delicious, that the people are tempted to their own destruction, let us at length, my lords, secure them from these fatal draughts, by bursting the vials that contain them; let us crush, at once, these artists in slaughter, who have reconciled their countrymen to sickness and to ruin, and spread over the pitfals of debauchery such baits as cannot be resisted.

The noble lord has, indeed, admitted, that this bill may not be found sufficiently coercive, but gives us hopes that it may be improved and enforced another year, and persuades us to endeavour the reformation of drunkenness by degrees, and above all, to beware, at present, of hurting the *manufacture.*

I am very far, my lords, from thinking, that there are this year any peculiar reasons for tolerating murder; nor can I conceive why the manufacture should be held sacred now, if it be to be destroyed hereafter; we are, indeed, desired to try how far this law will operate, that we may be more able to proceed with due regard to this valuable manufacture.

With regard to the operation of the law, it appears to me that it will only enrich the government without reforming the people, and I believe there are not many of a different opinion: if any diminution of the sale of spirits be expected from it, it is to be considered, that this diminu-

tion will or will not be such as is desired for the reformation of the people; if it be sufficient, the manufacture is at an end, and all the reasons against a higher duty are of equal force against this; but if it is not sufficient, we have, at least, omitted part of our duty, and have neglected the health and virtue of the people.

I cannot, my lords, yet discover, why a reprieve is desired for this manufacture; why the present year is not equally propitious to the reformation of mankind as any will be that may succeed it. It is true we are at war with two nations, and, perhaps, with more; but war may be better prosecuted without money than without men, and we but little consult the military glory of our country, if we raise supplies for paying our armies, by the destruction of those armies that we are contriving to pay.

We have heard the necessity of reforming the nation by degrees urged as an argument for imposing first a lighter duty, and afterwards a heavier; this complaisance for wickedness, my lords, is not so defensible as that it should be battered by arguments in form, and therefore I shall only relate a reply made by Webb, the noted walker, upon a parallel occasion.

This man, who must be remembered by many of your lordships, was remarkable for vigour, both of mind and body, and lived wholly upon water for his drink, and chiefly upon vegetables for his other sustenance: he was one day recommending his regimen to one of his friends who loved wine, and who, perhaps, might somewhat contribute to the prosperity of this *spirituous manufacture*, and urged him, with great earnestness, to quit a course of luxury by which his health and his intellects would equally be destroyed. The gentleman appeared convinced, and told him, that he would conform to his counsel, and thought he could not change his course of life at once, but would leave off strong liquors by degrees. By degrees, says the other, with indignation! if you should unhappily fall into the fire, would you caution your servants not to pull you out but by degrees?

This answer, my lords, is applicable in the present case;

the nation is sunk into the lowest state of corruption, the people are not only vitious, but insolent beyond example; they not only break the laws, but defy them; and yet some of your lordships are for reforming them by degrees.

I am not easily persuaded, my lords, that our ministers really intend to supply the defects that may hereafter be discovered in this bill; it will doubtless produce money, perhaps much more than they appear to expect from it; I doubt not but the licensed retailers will be more than fifty thousand, and the quantity retailed must increase with the number of retailers. As the bill will, therefore, answer all the ends intended by it, I do not expect to see it altered, for I have never observed ministers desirous of amending their own errours, unless they are such as produce a deficiency in the revenue.

Besides, my lords, it is not certain, that when this fund is mortgaged to the publick creditors, they can prevail upon the commons to change the security; they may continue the bill in force for the reasons, whatever they are, for which they have passed it, and the good intentions of our ministers, however sincere, may be defeated, and drunkenness, legal drunkenness, established in the nation.

This, my lords, is very reasonable; and therefore we ought to exert ourselves for the safety of the nation, while the power is yet in our own hands, and without regard to the opinion or proceedings of the other house, show that we are yet the chief guardians of the people, and the most vigilant adversaries of wickedness.

The ready compliance of the commons with the measures proposed in this bill, has been mentioned here with a view, I suppose, of influencing us, but surely by those who had forgotten our independence, or resigned their own. It is not only the right, but the duty of either house, to deliberate without regard to the determinations of the other; for how would the nation receive any benefit from the distinct powers that compose the legislature, unless their determinations are without influence upon each other? If either the example or authority of the commons can divert us from following our own convictions, we are no longer

part of the legislature; we have given up our honours and our privileges, and what then is our concurrence but slavery, or our suffrage but an echo?

The only argument, therefore, that now remains, is the expediency of gratifying those by whose ready subscription the exigencies which the counsels of our new statesmen have brought upon us, and of continuing the security by which they have been encouraged to such liberal contributions.

Publick credit, my lords, is, indeed, of very great importance, but publick credit can never be long supported without publick virtue; nor indeed if the government could mortgage the morals and health of the people, would it be just or rational to confirm the bargain. If the ministry can raise money only by the destruction of their fellow-subjects, they ought to abandon those schemes for which the money is necessary: for what calamity can be equal to unbounded wickedness?

But, my lords, there is no necessity for a choice which may cost us or our ministers so much regret; for the same subscriptions may be procured by an offer of the same advantages to a fund of any other kind, and the sinking fund will easily supply any deficiency that might be suspected in another scheme.

To confess the truth, I should feel very little pain from an account that the nation was for some time determined to be less liberal of their contribution, and that money was withheld till it was known in what expeditions it was to be employed, to what princes subsidies were to be paid, and what advantages were to be purchased by it for our country. I should rejoice my lords, to hear that the lottery by which the deficiencies of this duty are to be supplied, was not filled; and that the people were grown at last wise enough to discern the fraud, and to prefer honest commerce, by which all may be gainers, to a game by which the greatest number must certainly lose, and in which no man can reasonably expect that he shall be the happy favourite of fortune, on whom a prize shall be conferred.

The lotteries, my lords, which former ministers have proposed, have always been censured by those that saw their nature and their tendency; they have been considered as legal cheats, by which the ignorant and the rash are defrauded, and the subtle and avaricious often enriched; they have been allowed to divert the people from trade, and to alienate them from useful industry. A man who is uneasy in his circumstances, and idle in his disposition, collects the remains of his fortune, and buys tickets in a lottery, retires from business, indulges himself in laziness, and waits, in some obscure place, the event of his adventure. Another, instead of employing his stock in a shop or warehouse, rents a garret in a private street, and makes it his business, by false intelligence, and chimerical alarms, to raise and sink the price of tickets alternately, and takes advantage of the lies which he has himself invented.

Such, my lords, is the traffick that is produced by this scheme of raising money; nor were these inconveniencies unknown to the present ministers in the time of their predecessors, whom they never failed to pursue with the loudest clamours, whenever the exigencies of the government reduced them to a lottery.

If I, my lords, might presume to recommend to our ministers the most probable method of raising a large sum for the payment of the troops of the electorate, I should, instead of the tax and lottery now proposed, advise them to establish a certain number of licensed wheelbarrows, on which the laudable trade of thimble and button might be carried on for the support of the war, and shoeboys might contribute to the defence of the house of Austria, by raffling for apples.

Having now, my lords, examined with the utmost candour, all the reasons which have been offered in defence of the bill, I cannot conceal the result of my inquiry. The arguments have had so little effect upon my understanding, that as every man judges of others by himself, I cannot believe that they have any influence, even upon those that offer them; and, therefore, I am convinced, that this bill

must be the result of considerations which have been hitherto concealed, and is intended to promote designs which are never to be discovered by the authors before their execution.

With regard to these motives and designs, however artfully concealed, every lord in this assembly is yet at liberty to offer his conjectures; and therefore I shall venture to lay before you what has arisen in my mind, without pretending to have discovered absolute certainty, what such accomplished politicians have endeavoured to conceal.

When I consider, my lords, the tendency of this bill, I find it calculated only for the propagation of diseases, the suppression of industry, and the destruction of mankind; I find it the most fatal engine that ever was pointed at a people, an engine by which those who are not killed will be disabled, and those who preserve their limbs, will be deprived of their senses.

This bill, therefore, appears to be designed only to thin the ranks of mankind, and to disburden the world of the multitudes that inhabit it; and is, perhaps, the strongest proof of political sagacity that our new ministers have yet exhibited. They well know, my lords, that they are universally detested, and that wherever a Briton is destroyed, they are freed from an enemy; they have, therefore, opened the floodgates of gin upon the nation, that when it is less numerous, it may be more easily governed.

Other ministers, my lords, who had not attained to so great a knowledge in the art of making war upon their country, when they found their enemies clamorous and bold, used to awe them with prosecutions and penalties, or destroy them like burglars, with prisons and gibbets. But every age, my lords, produces some improvement, and every nation, however degenerate, gives birth at some happy period of time to men of great and enterprising genius. It is our fortune to be witnesses of a new discovery in politicks; we may congratulate ourselves upon being contemporaries with those men who have shown that hangmen and halters are unnecessary in a state, and that

ministers may escape the reproach of destroying their enemies, by inciting them to destroy themselves.

This new method may, indeed, have upon different constitutions a different operation; it may destroy the lives of some, and the senses of others; but either of these effects will answer the purposes of the ministry, to whom it is indifferent, provided the nation becomes insensible, whether pestilence or lunacy prevails among them. Either mad or dead, the greatest part of the people must quickly be, or there is no hope of the continuance of the present ministry.

For this purpose, my lords, what could have been invented more efficacious than an establishment of a certain number of shops at which poison may be vended; poison so prepared, as to please the palate while it wastes the strength, and to kill only by intoxication. From the first instant that any of the enemies of the ministry shall grow clamorous and turbulent, a crafty hireling may lead him to the ministerial slaughterhouse, and ply him with their wonder-working liquor, till he is no longer able to speak or think; and, my lords, no man can be more agreeable to our ministers than he that can neither speak nor think, except those who speak without thinking.

But, my lords, the ministers ought to reflect, that though all the people of the present age are their enemies, yet they have made no trial of the temper and inclinations of posterity; our successours may be of opinions very different from ours; they may, perhaps, approve of wars on the continent, while our plantations are insulted, and our trade obstructed; they may think the support of the house of Austria of more importance to us than our own defence, and may, perhaps, so far differ from their fathers, as to imagine the treasures of Britain very properly employed in supporting the troops, and increasing the splendour of a foreign electorate.

Since, therefore, it will not be denied by our ministers, that the affection and gratitude of posterity may atone for the obstinacy, blindness, and malice of the present age; since those measures which are now universally censured,

may at some distant time be praised with equal unanimity; why, my lords, should they extend their vengeance to the succeeding generation? why should they endeavour to torture their limbs with pains, and load their lives with the guilt of their parents? why should they hinder that trade to which they must owe all the comforts which plenty affords? why should they endeavour to intercept their existence, or suffer them to exist only to be wretched?

If I may once more declare my sentiments, my lords, I believe the ministers do not so much wish to debilitate the bodies as the understandings of posterity, nor so ardently desire a race of cripples as of fools. For cripples, my lords, can make no figure at a review, nor strut in a red coat with a tolerable grace; but fools are known by long experience to be the principal support of an army, since they are the only persons who are willing to pay it!

Whatever, my lords, be the true reasons for which this bill is so warmly promoted, I think they ought, at least, to be deliberately examined; and, therefore, cannot think it consistent with our regard for the nation to suffer it to be precipitated into a law. The year, my lords, is not so far advanced, as that supplies may not be raised by some other method, if this should be rejected; nor do I think that we ought to consent to this, even though our refusal should hinder the supplies, since we have no right, for the sake of any advantage, however certain or great, to violate all the laws of heaven and earth, to doom thousands to destruction, and to fill the exchequer with the price of the lives of our fellow-subjects.

Let us, therefore, my lords, not suffer ourselves to be driven forward with such haste as may hinder us from observing whither we are going; let us not be persuaded to precipitate our counsels by those who know that all delays will be detrimental to their designs, because delays may produce new information, and they are conscious that the bill will be less approved the more it is understood.

But every reason which they can offer against the motion, is, in my opinion, a reason for it; and, therefore, I shall

readily agree to postpone the clause, and no less readily to reject the bill.

If, at last, reason and evidence are vain, if neither justice nor compassion can prevail, but the nation must be destroyed for the support of the government, let us at least, my lords, confine our assertions, in the preamble, to truth; let us not affirm that drunkenness is established by the advice or consent of the lords spiritual, since I am confident not one of them will so far contradict his own doctrine, as to vote for a bill which gives a sanction to one vice, and ministers opportunities and temptations to all others; and which, if it be not speedily repealed, will overflow the whole nation with a deluge of wickedness.

Lord ISLAY next spoke to the effect following:—My lords, I have attended for a long time to the noble lord, not without some degree of uneasiness, as I think the manner in which he has treated the question neither consistent with the dignity of this assembly, nor with those rules which ought to be ever venerable, the great rules of reason and humanity. Yet being now arrived at a time of life in which the passions grow calm, and patience easily prevails over any sudden disgust or perturbation, I forbore to disconcert him, though I have known interruption produced by much slighter provocations.

It is, my lords, in my opinion, a just maxim, that our deliberations can receive very little assistance from merriment and ridicule, and that truth is seldom discovered by those who are chiefly solicitous to start a jest. To convince the understanding, and to tickle the fancy, are purposes very different, and must be promoted by different means; nor is he always to imagine himself superiour in the dispute, who is applauded with the loudest laugh.

To laugh, my lords, and to endeavour to communicate the same mirth to others, when great affairs are to be considered, is certainly to neglect the end for which we are assembled, and the reasons for which the privilege of debating was originally granted us. For doubtless, my lords, our honours and our power were not conferred upon us that we might be merry with the better grace, or that we

might meet at certain times to divert ourselves with turning the great affairs of the nation to ridicule.

But, my lords, still less defensible is this practice, when we are contriving the relief of misery, or the reformation of vice; when calamities are preying upon thousands, and the happiness not only of the present age, but of posterity, must depend upon our resolutions. He that can divert himself with the sight of misery, has surely very little claim to the great praise of humanity and tenderness; nor can he be justly exempted from the censure of increasing evils, who wastes in laughter and jocularity that time in which he might relieve them.

The bill now before us has been represented by those that oppose it, as big with destruction, and dangerous both to the lives and to the virtue of the people. We have been told, that it will at once fill the land with sickness and with villany, and that it will be at the same time fatal to our trade, and to our power; yet those who are willing to be thought fearful of all these evils, and ardently desirous of averting them from their country, cannot without laughter mention the bill which they oppose, or enumerate the consequences which they dread from it, in any other language than that of irony and burlesque.

Surely, my lords, such conduct gives reason for questioning either their humanity, or their sincerity; for if they really fear such dreadful calamities, how can they be at leisure for mirth and gaiety? How can they sport over the grave of millions, and indulge their vain ridicule, when the ruin of their country is approaching?

But without inquiry, whether they who oppose the bill will grant their opposition hypocritical, or their patriotism languid, I shall lay my opinion of this new regulation before your lordships with equal freedom, though with less luxuriance of imagination, and less gaiety of language.

Of this bill, notwithstanding the acuteness with which it has been examined, and the acrimony with which it has been censured, I am not afraid to affirm, that it is neither wicked nor absurd, that all its parts are consistent, and that the effects to be expected from it are sobriety and

health. I cannot find, upon the closest examination, either that it will defeat its own end, or that the end proposed by it is different from that which is professed.

The charge of encouraging vice and tolerating drunkenness, with which the defenders of this bill have been so liberally aspersed, may be, in my opinion, more justly retorted upon those that oppose it; who, though they plead for the continuance of a law, rigorous, indeed, and well intended, own that it has, by the experience of several years, been found ineffectual.

What, my lords, can a drunkard or a profligate be supposed to wish, but that the law may still remain in its present state, that he may still be pursued in a track by which he knows how to escape, and opposed by restraints which he is able to break? What can he desire, but that the book of statutes should lie useless, and that no laws should be made against him, but such as cannot be put in execution?

The defects of the present law, are, indeed, very numerous; nor ought it to be continued, even though no other were to be substituted. It seems to suppose the use of distilled liquors absolutely unlawful, and, therefore, imposed upon licenses a duty so enormous, that only three were taken in the whole kingdom, and the people were therefore obliged to obtain by illegal methods, what they could not persuade themselves wholly to forbear.

The method of detecting offenders was likewise such as gave opportunity for villany to triumph over innocence, and for perjury to grow rich with the plunder of the poor. Even charity itself might be punished by it; and he that gave a glass of spirits to a man fainting under poverty, or sickness, or fatigue, might be punished as a retailer of spirits without a license.

These defects, which were not seen when the law was made, soon excited a dislike. No man enforced the execution of it, because every man knew that on some occasions he might himself break it; and they who suffered for the violation of it, were often pitied by those whose office obliged them to punish them. Thus the law, after having been executed a few months with rigour, was laid aside as

impracticable, and appears now to be tacitly repealed; for it is apparently an empty form without effect.

If, therefore, the use of spirits be so destructive as is generally allowed, it is surely necessary, that the legislature should at last repair the defects of the former law, and the nation should not be vitiated and ruined, without some endeavours for its preservation; and, in my opinion, to lay a double duty upon these liquors, is very rational and prudent. An increase of the price must lessen the consumption.

To what degree the consumption will be diminished by this new duty, I am not able to foretel; but, undoubtedly, some diminution will be produced, and the least diminution will afford us this comfort, that the evil does not increase upon us, and that this law is, therefore, better than that which we have repealed.

For this reason, my lords, I approve the present bill, without inquiring whether it is perfect; it is sufficient for me, in the present exigence, that the nation will gain something by the change, and the people will be drawn nearer to sobriety, temperance, and industry.

Thus, my lords, without paying any regard to the determination of the other house, I think the bill sufficiently defensible by reason and policy; nor can I conceal my opinion, that those who oppose it are the real enemies of their country.

[The question, whether the house should be now resumed, was then put, and determined in the negative by 56 against 35.

The other clauses were then read, and agreed to.

The course of their proceedings then required, that a day should be appointed for the third reading, and lord SANDWICH therefore rose, and spoke to the following effect:]

My lords, as the importance of the bill now before us justly demands the maturest consideration, it is not without unusual concern, that I observe the absence of many lords, for whose wisdom and experience I have the highest veneration, and whom I esteem equally for their penetration and their integrity. I should hope, that all those who

feel in their hearts the love of their country, and are conscious of abilities to promote its happiness, would assemble on this great occasion, and that the collective wisdom of this house would be exerted, when the lives and fortunes, and, what is yet more worthy of regard, the virtue of the people is involved in the question.

As there can be no avocations which can possibly withhold a wise man from counsels of such moment to his country, to himself, and to his posterity; as there is no interest equivalent to the general happiness; I cannot suppose that either business or pleasure detain those who have not attended at the examination of this bill; and therefore imagine, that they are absent only because they have not been sufficiently informed of the importance of the question that was this day to be discussed.

It is therefore, my lords, necessary, in my opinion, that on the day of the third reading they be again summoned to attend, that the law which is allowed to be only an experiment, of which the event is absolutely uncertain, may be examined with the utmost care; that all its consequences may be known, so far as human wisdom is able to discover, and that we may at least be exempt from the imputation of being negligent of the welfare of our country, and of being desirous of avoiding information or inquiry, lest they should retard our measures or contradict our assertions.

But since it is reasonable to believe, my lords, that many of those, who might assist us in this difficult inquiry, are now in the country, it is necessary, that our summons may have the effect which is desired, to defer the reading for some time. For to what purpose will it be to require their presence at a time at which we know it is impossible for them to comply with our orders? To direct what cannot be done is surely in its own nature absurd and contemptible, and on this occasion will expose not only our understanding but our honesty to doubts; for it will be imagined, that we are only endeavouring to make false shows of caution and accuracy, and that we in reality desire to determine without the concurrence of those whose presence we publickly require.

I therefore move, that the third reading of this bill may be delayed five days, and that immediate summons be issued for all lords to attend.

Lord CARTERET spoke next in substance as follows: —My lords, if it is the intention of the noble lords to debate once more the usefulness or expedience of this bill, if they have any new argument to produce, or are desirous of another opportunity to repeat those which have been already heard, I hope they will not long withhold, either from themselves or their opponents, that satisfaction.

Your lordships are so well acquainted with the state of the publick, and know so well the danger of the liberties of the continent, the power of the enemies whom we are to oppose, the dreadful consequences of an unsuccessful opposition, and the necessity of vigour and expedition to procure success, that it cannot be necessary to urge the impropriety of delaying the bill from which the supplies are to be expected.

The convenience of deferring this bill, however plausibly represented by the noble lord who made the motion, is overbalanced by the necessity of considering it to-morrow. Necessity is an argument which no acuteness can overthrow, and against which eloquence will be employed to little purpose. I therefore, my lords, oppose the motion, not that it is unreasonable in itself, but because it cannot be admitted; I recommend despatch on this occasion, not because it is barely right, but because it is absolutely necessary.

Lord HERVEY then rose up and spoke to the following effect:—My lords, it is always the last resource of ministers to call those measures necessary which they cannot show to be just; and when they have tried all the arts of fallacy and illusion, and found them all baffled, to stand at bay, because they can fly no longer, look their opponents boldly in the face, and stun them with the formidable sound of necessity.

But it is generally the fortune of ministers to discover necessity much sooner than they whose eyes are not sharpened by employments; they frequently call that necessity,

on which no other man would bestow the title of expediency; and that is seldom necessary to be done, which others do not think necessary to be avoided.

At present, my lords, I see nothing necessary but what is equally necessary at all times, that we do our duty to our country, and discharge our trust, without suffering ourselves to be terrified with imaginary dangers or allured by imaginary benefits. The war which is said to produce the necessity of this bill, is, in my opinion, not necessary in itself: and, if your lordships differ from me in that sentiment, it must yet be allowed, that there is time sufficient to provide supplies by new methods.

But, my lords, if the motion, in which I concur, be overruled on a pretence of necessity, it will show an eager desire to hasten a bill, which, if referred to any twelve men, not of either house of the senate, their examination would terminate in this, that they bring it in guilty *of wilful murder*.

Lord CHOLMONDELEY spoke next, in substance as follows:—My lords, as there is no doubt but particular measures may be sometimes necessary, I discover no reason that ought to hinder the mention of that necessity; for surely where it can be asserted with truth, it is the most powerful of all arguments, and cannot be wisely or honestly neglected.

In the present case, my lords, I can discover no impropriety in mentioning it; for I suppose that noble lord did not intend to restrain it to the most rigorous sense; he did not mean, that there is the same necessity of reading this bill to-morrow for the success of the war, as of extinguishing a fire for the preservation of a town; but that the reasons for despatch absolutely overbalanced all the pleas that could be offered for delays.

This necessity, my lords, I am not ashamed to assert after him; nor can I think it consistent with common prudence, in the present situation of our affairs, to defer the third reading beyond to-morrow; for the supplies which this bill must produce, are to be employed in attempts of the utmost importance, and which cannot fail without the

ruin of a great part of mankind, and an irreparable injury to this nation.

I cannot, therefore, but confess my surprise at the vehemence with which this bill is opposed; vehemence so turbulent and fierce, that some lords have been transported beyond that decency which it is our duty and our interest to preserve in our deliberations; nor have restrained themselves from expressions, which, upon reflection, I believe they will not think defensible; from among which I cannot but particularize the horrid and opprobrious term of murder.

The reverend prelates, who have spoken against the bill, may be easily believed to be as zealous for virtue as those who have indulged themselves in this violence of language; yet they have never charged those who defend the measures now proposed with the guilt of murder, but have decently delivered their own opinions, without reproaching those who differ from them.

For my part, my lords, as I cannot think the motion for farther delay, seasonable or proper, or necessary to the discovery of truth, or consistent with the welfare of the nation, it is my resolution to vote against it.

The duke of BEDFORD spoke next, in substance as follows:—My lords, the ardour with which the noble lord appears to resent the indignity offered to the bill, shows only that he himself approves it, but not that it deserves the approbation of the house.

I think it of use, notwithstanding the plausible pleas of decency or politeness, that every thing should in this house be called by its right name, that we may not dispute for one thing, and vote for another; and since the bill will certainly destroy multitudes, if it promotes the sale of distilled spirits, and it has been proved that it will promote it, I know not by what appellation to denominate its effects, if that be denied me, which has been already used.

[The speaker then put the question in form, "Is it your lordships' pleasure, that the third reading of the bill be put off for five days?" It was resolved in the negative by 52 to 29.

It was then ordered, that the bill should be read the

third time on the day following, and that the lords should be summoned to attend.

On the next day, the house, according to the order, met, and another debate ensued, which was begun by lord HERVEY, who spoke in substance as follows:]

My lords, the tendency of the bill, which we are now to approve or reject, is so apparently destructive to the ends of government, so apparently dangerous to publick happiness, and so contrary to the institutions of the most celebrated lawgivers, and the policy of the most flourishing nations, that I still continue to think it my duty to struggle against it.

Almost every legislator of the world, my lords, from whatever original he derived his authority, has exerted it in the prohibition of such foods as tended to injure the health, and destroy the vigour of the people for whom he designed his institutions.

The great instructer of the jews, who delivered his laws by divine authority, prohibited the use of swine's flesh, for no other cause, so far as human reason is able to discover, than that it corrupted the blood, and produced loathsome diseases and maladies which descended to posterity; and, therefore, in prohibiting, after this example, the use of liquors which produce the same effects, we shall follow the authority of the great governour of the universe.

The author of another religion, a religion founded, indeed, on superstition and credulity, but which prevails over a very great part of the earth, has laid his followers under restraints still more severe; he has forbidden them to dispel their cares, or exalt their pleasures, with wine, has banished from their banquets that useful opponent of troublesome reflection, and doomed all those who receive his law, not to sobriety only, but to abstinence.

The authority of this man, my lords, cannot indeed be urged as unexceptionable and decisive; but the reception of his imposture shows at least, that he was not unacquainted with human nature, and that he knew how to adapt his forgeries to the nations among which he vented them; nor can it be denied, but the prohibition of wine

was found generally useful, since it obtained so ready a compliance.

All nations in the world, my lords, in every age of which there remain any historical accounts, have agreed in the necessity of laying restraint upon appetite, and setting bounds to the wantonness of luxury; every legislature has claimed and practised the right of withholding those pleasures which the people have appeared inclined to use to excess, and preferring the safety of multitudes whom liberty would destroy, to the convenience of those who would have enjoyed it within the limits of reason and of virtue.

The welfare of the publick, my lords, has always been allowed the supreme law; and when any governours sacrifice the general good either to private views, or temporary convenience, they deviate at once from integrity and policy, they betray their trust, and neglect their interest.

The prohibition of those commodities which are instrumental to vice, is not only dictated by policy but nature; nor does it, indeed, require much sagacity, when the evil is known, to find the proper remedy; for even the Indians, who have not yet reduced the art of government to a science, nor learned to make long harangues upon the different interests of foreign powers, the necessity of raising supplies, or the importance and extent of manufactures, have yet been able to discover, that distilled spirits are pernicious to society, and that the use of them can only be hindered by prohibiting the sale.

For this reason, my lords, they have petitioned, that none of this delicious poison should be imported from Britain; they have desired us to confine this fountain of wickedness and misery to stream in our own country, without pouring upon them those inundations of debauchery, by which we are ourselves overflowed.

When we may be sent with justice to learn from the rude and ignorant Indians the first elements of civil wisdom, we have surely not much right to boast of our foresight and knowledge; we must surely confess, that we have hitherto valued ourselves upon our arts with very little reason,

since we have not learned how to preserve either wealth or virtue, either peace or commerce.

The maxims of our politicians, my lords, differ widely from those of the Indian savages, as they are the effects of longer consideration, and reasonings formed upon more extensive views. What Indian, my lords, would have contrived to hinder his countrymen from drunkenness, by placing that liquor in their houses which tempted them to excess; or would have discovered, that prohibition only were the cause of boundless excesses; that to subdue the appetite nothing was necessary but to solicit it; and that what was always offered would never be received? The Indians, in the simplicity of men unacquainted with European and British refinements, imagined, that to put an end to the use of any thing, it was only necessary to take it away; and conceived, that they could not promote sobriety more effectually, than by allowing the people nothing with which they could be drunk.

But if our politicians should send missionaries to teach them the art of government, they would quickly be shown, that if they would accomplish their design, they must appoint every tenth man among them to distribute spirits to the nine, and to drink them himself in what quantity they shall desire, and that then the peace of their country will be no longer disturbed by the quarrels of debauchery.

It is, indeed, not without amazement, that I hear this bill seriously defended as a scheme for suppressing drunkenness, and find some lords, who admit that fifty thousand houses will be opened for the publick sale of spirits, assert that a less quantity of spirits will be sold.

The foundation of this opinion is in itself very uncertain; for nothing more is urged, but that all who sell under the sanction of a license, will be ready to inform against those by whom no license has been purchased; and that, therefore, fifty thousand licensed retailers may hurt a greater number who now sell spirits in opposition to the law.

All this, my lords, is very far from certainty; for it cannot be proved, that there are now so great a number of retailers as this act may produce: it is likely that security

will encourage many to engage in this trade, who are at present deterred from it by danger. It is possible, that those who purchase licenses may nevertheless forbear to prosecute those that sell spirits without the protection of the law. They may forbear, my lords, from the common principles of humanity, because they think those poor traders deserve rather pity than punishment; they may forbear from a principle that operates more frequently, and too often more strongly; a regard to their own interest. They may themselves offend the law by some other parts of their conduct, and may be unwilling to provoke an inspection into their own actions, by betraying officiously the faults of their neighbours; or they may be influenced by immediate terrours, and expect to be hunted to death by the rage of the populace.

All these considerations may be urged against the only supposition that has been made, with any show of reason, in favour of the bill; and of these various circumstances, some one or other will almost always be found. Every man will have either fear or pity, because almost every good man is inclined to compassion, and every wicked man is in danger from the law; and I do not see any reason for imagining that the people will tolerate informers more willingly now than in the late years.

But suppose it should be granted, though it cannot be certain, and has not yet been shown to be probable, that the clandestine trade will be interrupted; I am not able to follow these ministerial reasoners immediately to the consequence which they draw from this concession, and which must be drawn from it, if it be of any use in the decision of the question, nor can see that the consumption of spirituous liquors will be made less.

Let us examine, my lords, the premises and the consequences together, without suffering our attention to be led astray by useless digressions. Spirits will be now sold only with license! therefore less will be sold than when it was sold only by stealth!

Surely, my lords, such arguments will not much influence this assembly. Why, my lords, should less be bought

now than formerly? It is not denied, that there will be in every place a licensed shop, where drunkards may riot in security; and what can be more inviting to wretches who place in drunkenness their utmost felicity? If you should favourably suppose no more to be sold, yet why should those who now buy any supposed quantity, buy less when the restraint is taken away?

If it be urged, that the present law does in reality impose no restraint, the intended act will make no alteration. There is no real prohibition now, there will be no nominal prohibition hereafter; and, therefore, the law will only produce what its advocates expect from it, a yearly addition to the revenue of the government. But, my lords, let us at last inquire to what it is to be imputed, that the present law swells the statute book to no purpose? and why this pernicious trade is carried on with confidence and security, in opposition to the law? It will not surely be confessed, that the government has wanted authority to execute its own laws; that the legislature has been awed by the populace, by the dregs of the populace, the drunkards and the beggars! Yet when the provisions made for the execution of a law so salutary, so just, and so necessary, were found defective, why were not others substituted of greater efficacy? Why, when one informer was torn in pieces, were there not new securities proposed to protect those who should by the same offence displease the people afterwards?

The law, my lords, has failed of a great part of its effect; but it has failed by cowardice on one part, and negligence on another; and though the duty, as it was laid, was in itself somewhat invidious, it would, however, have been enforced, could the revenue have gained as much by the punishment as was gained by the toleration of debauchery.

It has, however, some effect; it may be imagined, that no man can be trusted where he is not known, and that some men are known too well to be trusted; and, therefore, many must be occasionally hindered from drinking spirits, while the law remains in its present state; who, when houses are set open by license, will never want an oppor-

tunity of complying with their appetites, but may at any time enter confidently, and call for poison, and mingle with numerous assemblies met only to provoke each other to intemperance by a kind of brutal emulation and obstreperous merriment.

This bill, therefore, my lords, is, as it has been termed, only an experiment; an experiment, my lords, of a very daring kind, which none would hazard but empirical politicians. It is an experiment to discover how far the vices of the populace may be made useful to the government, what taxes may be raised upon poison, and how much the court may be enriched by the destruction of the subjects.

The tendency of this bill is so evident, that those who appeared as its advocates have rather endeavoured to defeat their opponents by charging their proposals with absurdity, than by extenuating the ill consequence of their own scheme.

Their principal charge is, that those who oppose the bill recommend a total prohibition of all spirits. This assertion gives them an opportunity of abandoning their own cause, to expatiate upon the innocent uses of spirits, of their efficacy in medicine, and their convenience in domestick business, and to advance a multitude of positions which they know will not be denied, but which may be at once made useless to them, by assuring them, that no man desires to destroy the distillery for the pleasure of destroying it, or intends any thing more than some provisions which may hinder distilled spirits from being drunk by common people upon common occasions.

Having thus obviated the only answer that has hitherto been made to the strong arguments which have been offered against the bill, I must declare, that I have heard nothing else that deserves an answer, or that can possibly make any impression in favour of the bill; a bill, my lords, teeming with sedition and idleness, diseases and robberies; a bill that will enfeeble the body, corrupt the mind, and turn the cities of this populous kingdom into prisons for villains, or hospitals for cripples; and which I think it, therefore, our duty to reject.

Lord LONSDALE next spoke to the effect following:—My lords, the bill, on which we are now finally to determine, is of such a tendency, that it cannot be made a law, without an open and avowed disregard of all the rules which it has been hitherto thought the general interest of human nature to preserve inviolable. It is opposite at once to the precepts of the wise, and the practice of the good, to the original principles of virtue and the established maxims of policy.

I shall, however, only consider it with relation to policy, because the other considerations will naturally coincide; for policy is only the connexion of prudence with goodness, and directs only what virtue each particular occurrence requires to be immediately practised.

The first principle of policy, my lords, teaches us, that the power and greatness of a state arises from the number of its people; uninhabited dominions are an empty show, and serve only to encumber the nation to which they belong; they are a kind of pompous ornaments, which must be thrown away in time of danger, and equally unfit for resistance and retreat.

In the present war, my lords, if the number of our people were equal to that of the two nations against which we are engaged, the narrowness of our dominions would give us a resistless superiority; as we have fewer posts to defend, we might send more forces to attack our enemies, who must be weak in every part, because they must be dispersed to a very great extent. The torrent of war, as a flood of water, is only violent while it is confined, but loses its force as it is more diffused.

In consequence of this maxim, my lords, it is proposed, that because we are at war against two mighty powers, we shall endeavour to destroy by spirits at home, those who cannot fall by the sword of the enemy, and that we endeavour to hinder the production of another generation; for it is well known, my lords, and has in this debate been universally allowed, that the present practice of drinking spirits will not only destroy the present race, but debilitate the next.

This surely, my lords, is a time at which we ought very

studiously to watch over the preservation of those lives which we are not compelled to expose, and endeavour to retrieve the losses of war by encouraging industry, temperance, and sobriety.

Another principle of government which the wisdom of our progenitors established, was to suppress vice with the utmost diligence; for as vice must always produce misery to those whom it infects, and danger to those who are considered as its enemies, it is contrary to the end of government; and the government which encourages vice is necessarily labouring for its own destruction; for the good will not support it, because they are not benefited by it, and the wicked will betray it, because they are wicked.

How little then, my lords, do our sagacious politicians understand their own interest by promoting drunkenness and luxury, of which the natural train of consequences are idleness, necessity, wickedness, desperation, sedition, and anarchy! How little do they understand what it is that gives stability to the fabrick of our constitution, if they imagine it can long stand, when it is not supported by virtue.

In consequence of these maxims, another may be advanced, that all trades which tend to impair either the health or virtue of the people, should be interdicted; for since the strength of the community consists in the number and happiness of the people, no trade deserves to be cultivated which does not contribute to the one or the other; for the end of trade, as of all other human attempts, is the attainment of happiness.

If any trade that conduces not to the happiness of the community by increasing either the number or the virtue of the people, be industriously cultivated, the legislature ought to suppress it; if any manufacture that administers temptations to wickedness be flourishing and extensive, it has already been too long indulged; and the government can atone for its remissness only by rigorous inhibition, severe prosecutions, and vigilant inquiries.

That the trade of distilling, my lords, had advanced so fast among us, that our manufacturers of poison are arrived at the utmost degree of skill in their profession, and that

the draughts which they prepare are greedily swallowed by those who rarely look beyond the present moment, or inquire what price must be paid for the present gratification; that the people have been so long accustomed to daily stupefaction, that they are become mutinous, if they are restrained from it; and that the law which was intended to suppress their luxury cannot, without tumults and bloodshed, be put in execution, are, in my opinion, very affecting considerations, but they can surely be of no use for the defence of this bill.

The more extensive the trade of distilling, the more must swallow the poison which it affords; the more palatable the liquor is made, the more dangerous is the temptation; and the more corrupt the people are become, the more urgent is the necessity of extirpating those that have corrupted them.

I am not, my lords, less convinced of the importance of trade, than those lords who have spoken in the most pathetick language for the continuance of the manufacture; but my regard for trade naturally determines me to vote against a bill by which idleness, the pest of commerce, must be encouraged, and those hands, by which our trade is to be carried on, must be first enfeebled, and soon afterwards destroyed.

Nor is this kind of debauchery, my lords, less destructive to the interest of those whose riches consist in lands, than of those who are engaged in commerce; for it undoubtedly hinders the consumption of almost every thing that land can produce; of that corn which should be made into bread, and brewed into more wholesome drink; of that flesh which is fed for the market, and even of that wool which should be worked into cloth. It has been often mentioned ludicrously, but with too much truth, that strong liquors are to the meaner people, meat, drink, and clothes; that they depend upon them alone for sustenance and warmth, and that they desire to forget their wants in drunkenness rather than supply them. If we, therefore, examine this question with regard to trade, we shall find, that the money which is spent in drunkenness for the ad-

vantage only of one distiller, would support, if otherwise expended, a great number of labourers, husbandmen, and traders; since one man employed at the still may supply with the means of debauchery such numbers as could not be furnished with innocent victuals and warm clothes, but by the industry of many hands, and the concurrence of many trades.

Numbers, my lords, are necessary to success in commerce as in war; if the manufacturers be few, labour will be dear, and the value of the commodity must always be proportioned to the price of labour.

These, my lords, are the arguments by which I have hitherto been incited to oppose this bill, which I have not found that any of its defenders can elude or repel; for they content themselves with a cowardly concession to the multitude, allow them to proceed in wickedness, confess they have found themselves unable to oppose their sovereign pleasure, or to withhold them from pursuing their own inclinations; and, therefore, have sagaciously contrived a scheme, by which they hope to gain some advantage from the vices which they cannot reform.

But who, my lords, can, without horrour and indignation, hear those who are entrusted with the care of the publick, contriving to take advantage of the ruin of their country?

Let others, my lords, vote as their consciences will direct them, I shall likewise follow the dictates of my heart, and shall avoid any concurrence with a scheme, which, though it may for a time benefit the government, must destroy the strength and virtue of the people, and at once impair our trade and depopulate our country.

Lord CARTÉRET then rose up, and spoke in substance as follows:—My lords, the warmth with which this debate has been hitherto carried on, and with which the progress of this bill has been opposed, is, in my opinion, to be imputed to strong prejudices, formed when the question was first proposed; by which the noble lords have been incited to warm declamations and violent invectives; who, having once heated their minds with suspicions, have not been able to consider the propositions before them with

calmness and impartiality; but have pursued their first notions, and have employed their eloquence in displaying the absurdity of positions never advanced, and the mischief of consequences which will never be produced.

It is first to be considered, my lords, that this bill is intended, not to promote, but to hinder, the consumption of spirituous liquors; it is, therefore, by no means necessary to expatiate upon that which is presupposed in the bill, the pernicious quality of spirits, the detestable nature of drunkenness, the wickedness or miseries which are produced by it. Almost all that has been urged by the noble lords who have spoken with the greatest warmth against the bill, may reasonably be conceived to have been advanced for it by those who projected it; of whom it may be justly imagined, that they were fully convinced how much spirits were abused by the common people, and how much that abuse contributed to the wickedness which at present prevails amongst us, since they thought it necessary to prevent them by a new law.

But, my lords, when they saw that the abuse of distilled liquors was in a very high degree detrimental to the publick, they saw, likewise, that the trade of distilling was of great use; that it employed great numbers of our people, and consumed a great part of the produce of our lands; and that, therefore, it could not be suppressed, without injuring the publick, by reducing many families to sudden poverty, and by depriving the farmers of a market for a great part of their corn. In the plains of the western part of this island, the grain that is chiefly cultivated is barley, and that barley is chiefly consumed by the distillers; nor, if they should be at once suppressed, could the husbandman readily sell the produce of his labour and his grounds, or the landlord receive rent for his estate; since it would then produce nothing, or what is in effect the same, nothing that could be sold.

It is, indeed, possible, my lords, that the Dutch might buy it; but then it must be considered, that we must pay them money for the favour, since we allow a premium upon exportation, and that we shall buy it back again in spirits,

and, consequently, pay them for manufacturing our own product. For it is not to be imagined, that any law will immediately reclaim the dispositions, or reform the appetites of the people. They are well known to have drank spirits before they were made in our country, and to indulge themselves at present in many kinds of luxury which are yet loaded with a very high tax. It is not, therefore, probable, that upon the imposition of a high duty they will immediately desist from drinking spirits; they will, indeed, as now, drink those which can be most easily procured; and if, by a high tax suddenly imposed, foreign spirits be made cheaper than our own, foreign spirits will only be used, our distillery will be destroyed, and our people will yet not be reformed.

That heavy taxes will not deter the people from any favourite enjoyment, has been already shown by the unsuccessfulness of the last attempt to restrain them from the use of spirits, and may be every day discovered from the use of tobacco, which is universally taken by the common people, though a very high duty is laid upon it, and though a king thought it so pernicious that he employed his pen against it. The commons, therefore, prudently forbore to use violent measures, which might disgust the people, but which they had no reason to believe sufficient to reform them, and thought it more expedient to proceed by more gentle methods, which might operate by imperceptible degrees, and which might be made more forcible and compulsive, if they should be found ineffectual.

Another evil will by this method, likewise, be avoided, which is the certain consequence of high duties; this tax will produce no clandestine frauds nor rebellious defiance of the legislature; the distillers will not be tempted to evade this impost by perjuries, too often practised where the profit of them is great, nor smugglers to assemble in numerous troops with arms in their hands, and carry imported liquors through the country by force, in opposition to the officers of the customs, and the laws of the nation. That this, likewise, is practised upon other occasions to escape heavy taxes, all the weekly papers inform us; nor

are there many months in which some of the king's officers are not maimed or murdered doing of their duty.

All these evils, my lords, and a thousand others, will be avoided by an easy tax; in favour of which I cannot but wonder, that it should be necessary to plead so long, since every nation, which has any pretension to civility or a regular government, will agree, that heavy imposts are not to be wantonly inflicted, and that severity is never to be practised till lenity has failed.

It, therefore, appears to me, my lords, that justice, reason, and experience, unite in favour of this bill; and that nothing is to be feared from it, but that it will not be sufficiently coercive, nor restrain the abuse of spirits so much as is hoped by those that have stood up in its vindication. That it can encourage drunkenness, or increase the consumption of distilled liquors, is surely impossible; for they are now drunk without restraint; and therefore no restraint will be taken away: and since their price must be increased by a double duty, it may reasonably be conceived, that those who now spend all that they can gain by their labour in drunkenness, must be content with less than before, because they will have no more to spend; and what has hitherto enabled them to riot in debauchery will no longer be sufficient for the same purposes; the same excess will require more money, and more money cannot be had.

I do not affirm, my lords, that the success of this bill is demonstrably certain; nor can I deny that many arguments have been alleged against it which cannot easily be confuted; all that I can venture to assert is, that in my opinion, the reasons *for* the bill preponderate, not that those *against* it, are without weight.

Of this, at least, we are certain, that the bill can produce no ill consequences; and that if the experience of the ensuing year shall show it to be ineffectual, it may be amended in the next session by new provisions, which we shall be then more able to adjust for the benefit of the publick.

All laws, especially those which regard complicated and intricate affairs, have been perfected by degrees; expe-

rience has discovered those deficiencies which sagacity could not foresee, and the progress of human wisdom has been always slow. To charge any scheme with imperfection, is only to allege that it is the production of men, of beings finite in their capacity, and liable to errour; nor do I see what can be recommended to such beings, more than what the government is now endeavouring to practise, that nothing should be done precipitately, and that experience should always be trusted rather than conjecture.

Lord LONSDALE next spoke to the effect following:—
My lords, the arguments of the noble lord have by no means influenced me to alter my opinion; nor do I now rise up to pronounce a recantation of any of my former assertions, but to explain one of them, which the noble lord has been pleased to controvert.

He observes, in opposition to my argument, that the distillery contributes to the consumption of the produce of our grounds, and, by consequence, to the advantage of those who possess them; but I, my lords, am inclined to believe that it produces a contrary effect, and that it hinders the consumption, even of that grain which is employed in it.

We may reasonably suppose, my lords, that they who now drink distilled liquors, would, if they were debarred from them, endeavour to obtain from ale and beer the same renovation of their vigour, and relaxation of their cares; and that, therefore, more ale would be brewed, as there would be more purchasers: if, therefore, the same quantity of malt, which is sufficient, when distilled, to produce intoxication, would, when brewed into ale, have the same effect, the consumption would still be the same, whether ale or spirits were in use; but it is certain, that the fourth part of the malt which is necessary to furnish ale for a debauch, will, when exalted in the still, be sufficient to satisfy the most greedy drunkard; and it is, therefore, evident, that he who drinks ale, consumes more barley by three parts in four than he who indulges the use of spirits, supposing them both equally criminal in the excess of their enjoyments.

The noble lord has taken occasion to mention tobacco as an instance of the obstinacy with which the people persevere in a practice to which they are addicted. Of the obstinacy of the people, my lords, I am sufficiently convinced; but hope that it will never be able to overpower the legislature, who ought to enforce their laws, and invigorate their efforts in proportion to the atrociousness of the corruption which they are endeavouring to extirpate: nor do I think so meanly of government, as to believe it unable to repress drunkenness or luxury, or in danger of being subverted in a contest about spirits or tobacco.

Tobacco, indeed, has not properly been produced as an instance; for I never heard, that however it may be disapproved by particular men, of whatever rank or abilities, it was prohibited by law; nor should I think any such prohibition necessary or reasonable; for tobacco, my lords, is not poison, like distilled spirits, nor is the use of it so much injurious to health, as offensive to delicacy.

The poisonous and destructive quality of these liquors is confessed by the noble lord, a confession with which I find it very difficult to reconcile his solicitude for the distillery; for when it is once granted, that spirits corrupt the mind, weaken the limbs, impair virtue, and shorten life, any arguments in favour of those who manufacture them come too late, since no advantage can be equivalent to the loss of honesty and life. When the noble lord has urged that the distillery employs great numbers of hands, and, therefore, ought to be encouraged, may it not, upon his own concession, be replied, that those numbers are employed in murder, and that their trade ought, like that of other murderers, to be stopped? When he urges that much of our grain is consumed in the still, may we not answer, and answer irresistibly, that it is consumed by being turned into poison, instead of bread? And can a stronger argument be imagined for the suppression of this detestable business, than that it employs multitudes, and that it is gainful and extensive?

Nor can I discover, my lords, how the care of preserving the distillery is consistent with the ends which the

preamble in this bill declares to be proposed, or which the advocates for it appear to desire. If the consumption of distilled spirits is to be hindered, how is the distillery to remain uninjured? If the trade of distilling is not to be impaired, what shall hinder the consumption of spirits? So far as this bill operates, the distillers must be impoverished by it; and if they may properly and justly suffer a small diminution of their profit for a small advantage to the publick, why will not a greater benefit be equivalent to a greater diminution?

Nothing, my lords, is more apparent, than that the real design of this bill, however its defenders may endeavour to conceal it in the mist of sophistry, is to lay only such a tax as may increase the revenue; and that they have no desire of suppressing that vice which may be made useful to their private purpose, nor feel any regret to fill the exchequer by the slaughter of the people.

Lord AYLESFORD then rose up, and spoke to the following purpose:—My lords, the noble lord who spoke last in defence of this new scheme, appears to have imbibed very strong prejudices in favour of the distillery, from which he finds it practicable to draw large sums for the support of the measures which have been already formed, and which he, therefore, considers as the most important and beneficial trade of the British nation.

It is not improbable, my lords, that in a short time all the provisions which have been made by the wisdom of our ancestors for the support of the woollen manufacture, will be transferred for the encouragement of the distillery, which appears to be at present the reigning favourite; for it is evident, that both manufactures cannot subsist together, and that either must be continued by the ruin of the other.

Of these rivals, which is doomed to fall we may conjecture from the encomium just now bestowed upon the prudence of the commons, by whom the darling distillery has been so tenderly treated; yet that the trade, in which the bounty of nature has enabled us to excel all other nations of the world, may not be suffered to perish in silence, I

will take this opportunity to declare, that this boasted prudence can, in my opinion, produce no other effects than poverty and ruin, private calamities, and general wickedness; that by encouraging drunkenness at the expense of trade, it will stop all the currents by which the gold of foreign nations has flowed upon us, and expose us to conquest and to slavery.

[Thus ended this memorable debate. The question being put, was determined in favour of the bill by 57 against 38.]

END OF VOL. II.

TALBOYS AND WHEELER.